



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यपाल सभा द्वारा प्रकाशित

खंड 29]

शिमला, शनिवार, 20 जून, 1981/३० ज्येष्ठ, १९०३

[संख्या 25

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20 जून, 1981/३० ज्येष्ठ, १९०३ को समाप्त होने वाले सभ्ताह में निम्नलिखित विज्ञियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं।—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या 3-24/81-इलेक्ष, दिनांक 30 मई, 1981.	निर्वाचन विभाग	भारत निर्वाचन आयोग की अधिसूचना संख्या 82/हि०प्र०/1/80, दिनांक 4 मई, 1981 का प्रारंभी रूपान्तर सहित पुनः प्रकाशन।
No. 1-6/76-Tpt., dated the 27th May, 1981.	Transport Department	Appointment of non-official member of the State Transport Authority, Himachal Pradesh.
No. LLRD(6) 23/81, dated the 17th June, 1981.	Law Department	The Himachal Pradesh Village Common Lands (Vesting and Utilisation) (Amendment) Ordinance 1981 (Ordinance No. 3 of 1981).

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्याव॑

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT

NOTIFICATIONS

Simla-2, the 21st May, 1981

No. 10-4/72-DP-App. I.—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri Onkar Singh Subhaiya, Naib Tehsildar, Nerwa (Chopal) to be the Executive Magistrate with all the powers of an Executive Magistrate under the said Code to be exercised within the local limits of Sub-Tehsil Nerwa (Chopal), District Simla, with immediate effect.

Simla-2, the 21st May, 1981

No. 10-4/72-DP-App. I.—In exercise of the powers conferred by sub-section (1) of section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to appoint Shri D. C. Joshi, Leave Reserve Officer, Simla to be the Executive Magistrate with all the powers of an Executive Magistrate under the said Code, to be exercised within the local limits of District Simla, with immediate effect.

Sd/-
Deputy Secretary.

पशु पालन विभाग

अधिसूचनाएं

शिमला-171002, 28 अप्रैल, 1981

सं 0 8-5/71 एच 0 (सचि 0-II).—राज्यपाल, हिमाचल प्रदेश इस कार्यालय की अधिसूचना संख्या 8-5/71-एच 0 (सचि 0-II), दिनांक 16 अप्रैल, 1980 के अनुलग्न “क” में दर्शाये गये शरद ऋत में अड्डों की दरों जो कि 1 अक्टूबर से 31 मार्च तक ए ग्रेड और बी ग्रेड के लिये क्रमशः 0.42 रुपये और 0.40 रुपये निर्धारित की गई थीं कुकुट फार्म अजौलो (जिला ऊना) में अड्डों को खाराव होने से बचाने के लिये इन विक्री दरों को 10 (दस) पैसे प्रति अड्डा दिनांक 1 मार्च, 1981 से 31 मार्च, 1981 तक कम करने को नहर्ष स्वीकृति प्रदान करते हैं।

शिमला-171002, 28 अप्रैल, 1981

सं 0 8-5/71-एच 0 (सचि 0-II).—इस कार्यालय की अधिसूचना संख्या 8-5/71-एच 0 (सचि 0-II), दिनांक 11 जून, 1979 के द्वारा मंगठित मूल्यांकन समिति की सिकारियों के आधार पर राज्यपाल, हिमाचल प्रदेश वर्ष 1981-82 के लिए संलग्न परिशिष्ट ‘क’ की सूची में दर्शाये गये दरों पर पशुपालन विभाग के विभिन्न पशु ममुदाय कुकुट तथा उन से उत्पादित वस्तुओं आदि के विक्रय मूल्य के निर्धारण की सहर्ष स्वीकृति प्रदान करते हैं। यह विक्रय मूल्य प्रथम अप्रैल, 1981 से लागू होंगे।

परिशिष्ट ‘क’

पशु-ममुदाय तथा उन से उत्पादित वस्तुओं आदि की विक्रय दरों की अधिसूचना वर्ष 1981-82 पहली अप्रैल से अगले आदेशों तक पशुपालन विभाग, हिमाचल प्रदेश

मद भेड़ व वकरियां विक्रय दर
(1) देशी भेड़ (रामपुर वुशहरी गांडी) (मूल्य रुपयों में)

न्र मादा

1 2 3

1 मास से कम (विकाऊ नहीं) 25 15
1 मास से 2 मास से कम 50 30

1	2	3
2 मास से 3 मास से कम	70	50
3 मास से 4 मास से कम	90	70
4 मास से 5 मास से कम	110	90
5 मास से 6 मास से कम	130	110
6 मास से 9 मास से कम	150	130
9 मास से 1 वर्ष से कम	170	150
1 वर्ष से डेढ़ वर्ष से कम	190	170
डेढ़ वर्ष से 5 वर्ष से कम	210	190

(2) रैम्बलैट (रूसी) जर्मन लैड मैरीनों/पोलबर्थ तथा उन के अन्तर जातीय आस (यदि कोई हो) फार्म सन्तती

(मूल्य रुपयों में)
1 मास से कम (विकाऊ नहीं)
1 मास से 2 मास से कम
2 मास से 3 मास से कम
3 मास से 4 मास से कम
4 मास से 5 मास से कम
5 मास से 6 मास से कम
6 मास से 9 मास से कम
9 मास से 1 वर्ष से कम
1 वर्ष से डेढ़ वर्ष से कम
डेढ़ वर्ष से पांच वर्ष से कम

(3) पोलबर्थ (रूसी मैरीनों जर्मन लैड मैरीनों (रैम्बलैट/दसी भेड़ एफ-1 (फार्म सन्तती))

(मूल्य रुपयों में)
1 मास से कम (विकाऊ नहीं)
1 मास से 2 मास से कम
2 मास से 3 मास से कम
3 मास से 4 मास से कम
4 मास से 5 मास से कम
5 मास से 6 मास से कम
6 मास से 9 मास से कम
9 मास से 1 वर्ष से कम
1 वर्ष से डेढ़ वर्ष से कम
डेढ़ वर्ष से पांच वर्ष से कम

(4) रूसी मैरीनों (रैम्बलैट आदि एफ) (X) एफ-1 एफ-2 आदि

(मूल्य रुपयों में)
1 मास से कम (विकाऊ नहीं)
1 मास से 2 मास से कम
2 मास से 3 मास से कम
3 मास से 4 मास से कम
4 मास से 5 मास से कम
5 मास से 6 मास से कम
6 मास से 9 मास से कम
9 मास से 1 वर्ष से कम
1 वर्ष से डेढ़ वर्ष से कम
डेढ़ वर्ष से पांच वर्ष से कम

(5) रैम्बलैट भेड़ अमिश्रित (आयात की गई बीज स्टाक)

(मूल्य रुपयों में)
1. भेड़ 2300.00
2. भेड़ माटा 1400.00
3. वच्चा 1300.00

रूसी मैरीनों भेड़ अमिश्रित आयात की गई बीज स्टाक

(मूल्य रुपयों में)
मदा 1790.00
मड़ मादा 1862.00

(6) अंगोरा बकरी (अभिश्रित)

नर (रुपये)	मादा (रुपये)
41 मास से कम	विकाऊ नहीं विकाऊ नहीं
4 मास से 6 मास से कम	100 90
6 मास से 9 मास से कम	130 120
9 मास से 12 मास से कम	170 150
12 मास से 2 वर्ष से कम	210 180
2 वर्ष से 5 वर्ष से कम	250 200

बकरियों के 4 मास तक के बच्चों का मूल्य (वुक वैल्यू) के लिये निम्नलिखित हैं:—

1 मास से कम	25	20
1 मास से 2 मास से कम	35	30
2 मास से 3 मास से कम	45	40
3 मास से 4 मास से कम	55	50

टिप्पणी—पांच वर्ष व इससे ऊपर वर्ष की आय बाली भेड़ों तथा बकरियों के दरों में निम्न प्रकार से कमी की जायेगी:—

5 वर्ष से 6 वर्ष से कम	5 प्रतिशत प्रति वर्ष
6 वर्ष से 7 वर्ष से कम	10 प्रतिशत प्रति वर्ष
7 वर्ष से 8 वर्ष से कम	13 प्रतिशत प्रति वर्ष

नोट: 1. कलिलग समिति की सिफारिशों तथा निदेशक, पशु पालन विभाग के अनुमोदन पर कलिलग करके नीलाम कर दिया जाये।
 2. महों में बटाओं को आखरी आयु गुप की सब से अधिक निर्धारित मूल्य से गिना जायेगा।
 3. पुरानी आयात की गई रैम्बुलैट तथा रसी मशीनों भेड़ों का भारत में पहुंचने का मूल्य ही उन की वुक मूल्य निर्धारित किया गया है।
 4. नर तथा मादा भेड़ों आदि का मूल्य दूसरे प्रदेशों के लिए तीन गुना होगा।

7. जोड़ातीय पशु:—

हौलस्टैन फ्रीजियन/अभिश्रित जर्सी नर पशु
सब से अधिक दूध देने वाली
व्यति

(किलोग्राम में)

आयु	1501	2001	2501	3001	3501	4001
	से	से	से	से	से	से
1	2	3	4	5	6	7
2000	2500	3000	3500	4000	4000	अधिक

6 मास से कम	175	250	300	350	400	445
6 मास से						
12 मास से कम	250	325	375	425	475	525
12 मास से						
18 मास से कम	475	550	600	650	700	750
18 मास से						
24 मास से कम	775	850	900	950	1000	1050
24 मास से						
36 मास से कम	1075	1150	1200	1250	1300	1350
3 वर्ष से						
8 वर्ष से कम	1275	1350	1400	1450	1500	1550

टिप्पणी:—

1. नर पशुओं के उपरोक्त मूल्य 8 वर्ष से कम तक है उसके उपरान्त इनका मूल्य 9 वर्ष में 100 रुपये कम कर दिया जाए और 10वें वर्ष में उपरोक्त 200 रुपये हर वर्ष कम कर दिया जाए।

2. हर नर पशु का मूल्य दूसरे प्रदेशों के लिए दुगुना होगा।

3. यहां पर तीन किलोमीटर की परिधि में विभाग द्वारा स्थाई तौर पर प्रजनन का कोई प्रावधान न हों वहां कोई प्रदेशीय पंचायत या

नन्हे अधिकृत प्रयोगिताल किसान सार्वजनिक हित के लिए नर पशु प्रजनन हेतु लेगा तो विभाग उनको वित्त मूल्य के नर पशु प्रजनन हेतु देगा। यदि विभागीय फार्म पर ऐसे पशु उपलब्ध होंगे यह नियम गुण देता देगा तो दोनों पर लागू होगा।

4. पंचायत व किसान गाय को गम्भीरी करने का गुल्क ने मकेगी जो भी विभाग ने निर्धारित किया हो।

मादा पशु (सबसे अधिक दूध देने वाला व्यांत) (पहले व्यांत तक) (किलोग्राम)

आयु	1501	2001	2501	3001	3501	4001
	से	से	से	से	से	से
1	2	3	4	5	6	7
2000	2500	3000	3500	4000	4000	अधिक

	(रुपये)
6 मास से कम	1100
6 मास से	1200
12 मास से कम	1300
12 मास से	1400
18 मास से	1600
18 मास से	1800

दूधार गाय (सब से अधिक दूध का अधिकार)

	रुपये
(क) 1500 किलोग्राम तक	3000
(ख) 1501 किलोग्राम से 2000 किलोग्राम तक	3100
(ग) 2001 किलोग्राम से 2500 किलोग्राम तक	3200
(घ) 2501 किलोग्राम से 3000 किलोग्राम तक	3400
(ङ) 3001 किलोग्राम से 3500 किलोग्राम तक	3700
(ज) 3501 किलोग्राम से 4000 किलोग्राम तक	4000
(क) 4000 किलोग्राम से अधिक दूध	4200

विदेशी पशु:—

1970-71 तथा 1971-72 में आस्ट्रेलिया में आयात किये गये जर्सी पशु

मद	मूल्य पहुंच (रुपये)
अभिश्रित जर्सी बछियां (सांड)	4000 प्रति पशु
* 2. भारतीय डैरी निगम द्वारा 1972-73 में आयात किये गये जर्सी/हौलस्टैन फ्रीजियन पशु ।	

*अभिश्रित जर्सी हौलस्टैन फ्रीजियन गाय/बछियां 7790 रु प्रति पशु ।

3. 1976-77 में आस्ट्रेलिया से आयात किये गये जर्सी (हौलस्टैन फ्रीजियन पशु) ।

रुपये प्रति पशु
1. जर्सी बछियां
2. हौलस्टैन फ्रीजियन बछियां
3. जर्सी सांड
4. हौलस्टैन फ्रीजियन सांड

आयु	ग्राहा जर्सी/हौलस्टैन कास (रुपये)	ग्राहा से अधिक जर्सी/हौलस्टैन कास (रुपये)
6 मास से कम	50	600
6 मास से	60	1200
1 वर्ष से कम	110	1700
2 वर्ष से	140	2200
3 वर्ष से	180	2600

नर	मादा	नर	मादा
6 मास से कम	50	60	900
6 मास से	60	1200	70
1 वर्ष से कम	110	1700	140
2 वर्ष से	140	2200	160
3 वर्ष से	180	2600	220
4 वर्ष से कम	180	2600	2700

गाय के बारे:-

गायों का कुल मूल्य निकालने के लिये प्राथमिक मूल्य के साथ निम्ननिखित नियमों को ध्यान में रखें:-

- ग्रंथवती होने पर इस आयु संघ की कुल मूल्य पर 10 व 15 प्रतिशत पहले पांच मास व उस के बाद कमशः अधिक मूल्य लिया जायेगा।
- प्रतिवर्ष हर एक लिटर दूध उत्पादन पर 25 रुपये अधिक लिये जायेगे।
- यदि गाय 5वीं व 6वीं बार व्याइ गई हो तो बुक वैल्यु जो उस दूप के सामने लिखी गई है से 10 प्रतिशत कम मूल्य लिया जायेगा। तथा यदि गाय सातवीं या इस से अधिक बार व्याइ गई होवें तो वास्तविक बुक वैल्यु जो उस के सामने लिखी गई हो से 20 प्रतिशत कम मूल्य लिया जायेगा। परन्तु किसी भी दशा में अमिश्रित गाय की 100 रुपये से कम न हों तथा दोगली नस्ल की गायें का 50 रुपये से कम न हों होगा।
- नये तथा मादा पशु का मूल्य दूसरे प्रदेशों के लिये 100 प्रतिशत अधिक होगा।
- नये आयात किये गये जर्सी (हालस्टैन की जीयन गाय/बछियां/मांडों का मूल्य भारत में पहचने का मूल्य ही उन की बुक वैल्यु निर्धारित की गई है।

चार वर्ष से अधिक क्रास ब्रैंड वैल सॉड

- 4-5 वर्ष की आयु के लिये 5 प्रतिशत का बढ़ाना।
- 5-6 वर्ष की आयु के लिये 10 प्रतिशत का बढ़ाना।
- 6-7 वर्ष की आयु के लिये 15 प्रतिशत का बढ़ाना।
- 7-8 वर्ष की आयु के लिए 20 प्रतिशत का बढ़ाना।
- 8-9 वर्ष की आयु के लिये 5 प्रतिशत का बढ़ाना।
- 9-10 वर्ष की तथा उस से अधिक आयु के लिये 10 प्रतिशत की कमी की जायें।

गद्दी कुत्ते तथा सीमा कुली कुत्ते:-

आयु	नर	मादा
	(रुपये)	(रुपये)
3 मास से कम	50	40
3 मास से 6 मास से कम	80	60
6 मास से 9 मास से कम	110	90
9 मास से अधिक	150	130

मांस की दरें:-

भेड़ 5 रुपये प्रति किलोग्राम जीवित शारीरिक भार।
बकरी 6 रुपये प्रति किलोग्राम जीवित शारीरिक भार।

कमोजिट ग्रयवा दूध परियोजना (मरकारी फार्म):

निवेशक, पशु पालन विभाग, हिमाचल प्रदेश विभिन्न दुर्घ परियोजना के अन्तर्गत दुर्घ के क्रय मूल्य तथा दुर्घ पदार्थ के विक्रय मूल्य वाजार में सम्पन्न समय पर उतार चढ़ाव को ध्यान में रखने हुये निर्धारित करेंगे। सरकारी फार्मों पर उत्पादित दुर्घ एवं दुर्घ पदार्थों का विक्रय मूल्य भी निवेशक पशुपालन विभाग, हिमाचल प्रदेश द्वारा फार्मों के प्रबन्धक तथा उप-निवेशक (दुर्घ) की सिफारिशों पर निर्धारित किया जायेगा।

गण्डे

दरें:- मरी फार्मों के लिये (पी और टापरी तथा चम्बा के अतिरिक्त)

ग्रीष्म ऋतु

शरद ऋतु

(1 अप्रैल से 30 सितम्बर तक) (1 अक्टूबर से 31 मार्च तक)

ए प्रेड	35 पैसे	ए.० प्रेड	45 पैसे
बी० प्रेड	32 पैसे	बी० प्रेड	42 पैसे

पी और टापरी तथा चम्बा के लिये:-

ए.० प्रेड	45 पैसे	ए.० प्रेड	55 पैसे
बी० प्रेड	42 पैसे	बी० प्रेड	52 पैसे

कुक्कट

खाने के लिये प्रति किलोग्राम

सभी फार्मों के लिये (चम्बा पीओ व टापरी के अतिरिक्त)

शरद ऋतु ग्रीष्म ऋतु

रुपये रुपये

जीवित भार	11	10
डरसैड खाने के लिये	17	16
चम्बा पीओ व टापरी के लिये:		
जीवित भार	८०	८०
डरसैड खाने के लिये	१२	११
	१८	१७

ब्रायलर 8 सप्ताह से अधिक (प्रति किलोग्राम)

सभी फार्मों के लिये (चम्बा पीओ व टापरी के अतिरिक्त)

रुपये रुपये

जीवित भार	12	11
डरसैड खाने के लिये	१८	१७

पी और टापरी व चम्बा के लिये:

रुपये रुपये

जीवित भार	13	12
डरसैड खाने के लिये	१९	१८

सेने वाले गण्डे (ब्रायलर तथा दूसरी मुर्गीयों के)

प्रति गण्डा 60 पैसे में सारे वर्ष के लिये।

गण्डे देने वाली नस्ल के पालने योग्य पक्षियों (कुक्कुट) की विक्रय दरें:-

आयु संघ (दरे सारे हिमाचल प्रदेश के लिए)

सप्ताह	नर/मादा (विना लिंग ज्ञान) (रुपये)	लिंग ज्ञान	
		नर (रुपये)	मादा (रुपये)
0-1	2.00	0.50	3.00
1-2	2.75	1.25	4.00
2-3	3.00	1.60	4.50
3-4	3.25	2.25	5.00
4-5	3.75	2.75	5.75
5-6	4.25	3.25	6.25
6-7	4.85	3.75	6.75
7-8	5.75	4.25	7.25

आयु संघ	नर	मादा
8-9	5.85	7.75
9-10	6.00	9.00
10-11	7.50	10.00
11-12	8.00	11.00
12-13	10.00	12.00
13-14	11.00	13.00
14-15	12.50	14.50
15-16	13.00	15.50
16-17	13.50	16.50
17-18	14.00	17.50
18-19	14.50	18.50
19-20	15.50	19.50
20-21	16.50	20.50
21-22	17.50	21.50
22 सप्ताह व अधिक	21.00	23.00

नोट:- (1) 16 सप्ताह के बाद केवल चारे मुर्गे फार्म से पर विक्रय की जायें।

(2) जिन कामों से संकरित आगम हो जायेगी तो एक दिन का तरं चूजा 25 पैसे में बेचा जायेगा त विक्रने पर प्रभागी को स्वयं नह करना होगा यदि आवश्यकता से अधिक हो।

आय मध्य	व्रापनार स्टेन के लिये दरें (रुपये में)
0-1	2.25
1-2	3.50
2-3	4.00
3-4	5.00
4-5	5.50
5-6	6.50
6-7	7.50
7-8	8.50

8 सप्ताह के बाद दर जीवित भार प्रति किलोग्राम के अनुसार होगा।

टिप्पणी:-

- कुकुट पालकों को कस्टम हैचिंग की मुगमता सारे वर्ष के लिये देन डेते 20 पैसे प्रति अण्डा हैचिंग शुल्क लिया जायेगा।
- उपरोक्त वातों के अतिरिक्त बिन्द्र-बिन्द्र मंस्थानों के प्रभारियों को अधिकार दिया जाता है कि प्रति अण्डे की दर में 10 पैसे तक (प्रत्येक ग्रेड) समय समय पर बाजार के दरों को ध्यान में रखते हुये बदा सकते हैं तथा इसी तरह 5 पैसे बदा सकते हैं। परंतु ब्रापनार मर्गी, मुर्गी खाने योग्य को दर को एक रुपये तक बदा और बड़ा सकते हैं इस बारे नियन्त्रक अधिकारी को निदेशक, पशु पालन विभाग, हिमाचल प्रदेश को सूचना अवश्य भेजनी होगी।
- हैचिंग के दो दिन के अन्दर बेचे गये चूजों पर 3 प्रतिशत अधिक बुजे दिये जायेंगे।

ग्रामों की ग्रेडिंग निम्न प्रकार तथा उन की बाहरी तथा भीतरी दशा को ध्यान में रखते हुये की जाये।

ए ग्रेड 50 ग्राम से अधिक
बी 0 ग्रेड 50 ग्राम तक

दाना व चारा तथा अन्य पौधों की सामग्री आदि:-

क्रम सं 0	मध्य	(मूल रुपये)
1. हरा चारा	12 रु प्रति किवटन	
2. सूखा धास गांठ किया	30 रु प्रति किवटन	
3. सूखा धास बिना गांठ किया	25 रु प्रति किवटन	
4. बीज सोयाबीन तथा हैज्विल	2.25 प्रति कि 0 ग्रा 0	
5. जई ज्वार तथा मट्टी का बीज	2.25 प्रति कि 0 ग्रा 0	
6. मध्य आकार के धास और लेलीका के बीज जैसे राई पालसिस्ट/धरसा लम्बा मैसक्स लाल वमसन माडिका कलावर और कोक पुट आदि (फार्म की उपज)	22 रु प्रति कि 0 ग्रा 0	
7. लुसरन आदि के बीज	1.5 रुपये प्रति कि 0 ग्रा 0	
8. पौधे सामग्री आदि नैपियर स्टैरिया जड़े आदि।	0.02 प्रति जड़	
9. कुट्टु काटन	0.20 प्रति जड़	
10. ब्युल तथा ओक पौध सामग्री आदि	0.10 प्रति जड़	
11. उड्ड तथा दूसरी दालें	4.50 प्रति कि 0 ग्रा 0	
12. गोवर कुकुट के अतिरिक्त	5 रुपये प्रति किवटन	
13. खाद कुकुट	7.50 रु प्रति किवटन	
14. सूखा चारा मक्की	10 रु प्रति किवटन	
15. जापानी सरसों/चीनी गोभी	3.00 प्रति कि 0 ग्रा 0	
16. गलवट बीन	3.50 प्रति कि 0 ग्रा 0	
17. तिपुसिट	3.50 प्रति कि 0 ग्रा 0	
18. दाना मक्की	1.50 प्रति कि 0 ग्रा 0	
19. जी	1.50 प्रति कि 0 ग्रा 0	
20. फार्म पर पती उतारने के बाद लकड़ी/फार्म शेवर से प्राप्त सूखी लकड़ी	15.00 प्रति किवटन	

टिप्पणी:- 1. पशु-पालकों में 20 किलोग्राम वाम बंधाने के लिये 60 प्रति गांठ शुल्क लिया जायेगा।

2. प्रभागियों को अधिकार है कि वे समय-समय पर बाजारी भाव को ध्यान में रखते हुए सूखा वाम गांठ वाला व विना गांठ के दर को 3.00 रुपये तक बढ़ा व बदा सकते हैं।

उन तथा दूसरी तन्त्र मम्बःदी दरें:-

मध्य	फटकर विक्रय थोक विक्रय प्रति किलोग्राम प्रति किवटन (रुपये में) (रुपये में)	
1	2	3

1. ऊनी देशी भेड़ (ग्रामपुर बृहगंगी)

गडी	22.00	2100.00
ऊन देशी मेमना	25.00	2400.00
ऊन पांचवर्षी जर्मन लैंड हसी मरीना रैम्बून	32.00	3100.00
4. 1/2 तथा 3/4 लैंड रैम्बूनेट पोलवर्थी हसी मरीना जर्मन लैंड मरीना (ऊन) आदि	27.00	2800.00
5. ऊन मेमना रैम्बूनेट पोलवर्थी रसी मरीना, जर्मन लैंड मरीना आदि	33.00	3200.00
6. ऊन मेमना 1/2 तथा 3/4 रैम्बूनेट पोलवर्थी रसी मरीना जर्मन लैंड मरीना आदि	28.00	2700.00
7. मोहरी	15.00	1400.00
8. ब्राच लोक्स डेगसा बेली तथा गन्धी ऊन	14.00	1300.00
9. मेंजी तथा पुलड ऊन		नीलामी दारा

टिप्पणी:- 1. थोक विक्रय, दर उम समय तयारै जब कि ऊनी की भावात तथा भार एक विंटल से अधिक हो। मेंजी तथा पुलड ऊन को निदेशक, पशुपालन विभाग, हिमाचल प्रदेश में स्वीकृति ले कर काफी वित्तान आदि करके निलाम किया जायेगा।

2. थोक ऊन के दाम बाजार में अधिक बढ़ने-बढ़ने रहते हैं अतः निदेशक पशुपालन विभाग, हिमाचल प्रदेश दर (रुपये को 10 प्रतिशत अधिक अथवा कम) कर सकते हैं।

3. निदेशक पशुपालन विभाग हिमाचल प्रदेश की अधिकार है कि वह बाजारी भाव को समय पर ध्यान में रखते हुए सभी पशु समुदाय तथा ऊन में उत्पादित वस्तुओं दाना तथा चारा अन्य पौधों आदि की दर 5 प्रतिशत तक बढ़ा या घटा सके।

याक पूंछ तथा खाले आदि:-

याक की पूंछ तथा दूसरे पशुओं की खाले आदि की निलामी प्रभागी अधिकारी काफी वित्तान के उपरान्त करें।

टिप्पणी:- विक्रय कर तथा दूसरे कर जैसे बैमे लागू होंगे वसूल किये जायेंगे।

भगत कम्ब्र नेमी, सचिव।

CO-OPERATION DEPARTMENT

NOTIFICATIONS

Simla-171002, the 7th April, 1981

No. Co-op-B(15)-2/81.—The Governor, Himachal Pradesh, is pleased to place the services of Shri Salig Ram Sharma, District Co-operative & Supplies Officer, Solan district Solan, at the disposal of the Himachal Pradesh State Co-operative M&C Federation limited, Simla, for appointment as Financial Controller, on deputation. Terms and conditions of deputation will be decided later on.

Simla-171002, the 19th May, 1981

No. Co-op-B (3)-40 74.—The Governor, Himachal Pradesh regrets to announce the death of Shri Devinder Singh Vidayarthi, District Co-operative and Supplies Officer, Department of Co-operation, on 18-4-1981.

S. M. KANWAR,
Commissioner-cum-Secretary.

EDUCATION DEPARTMENT

NOTIFICATION

Simla-171002, 12th May, 1981

No. Kh (3) 56 79.—The Governor, Himachal Pradesh, is pleased to re-designate the post of Counsellor Incharge, State Bureau, of Educational & Vocational Guidance, Himachal Pradesh, as Assistant Director (Guidance) Himachal Pradesh, with immediate effect.

2. This has been issued with the prior concurrence of the Finance Department obtained *vide* their U.O.No. Fin-E. 1341, dated 23-3-1981.

ANANG PAL,
Commissioner-cum-Secretary.

FOOD AND SUPPLIES DEPARTMENT

NOTIFICATION

Simla-2, the 20th May, 1981

No. FDS.B(2)-(2)-3 77.—The Governor, Himachal Pradesh, on the recommendation of Departmental Promotion Committee and with the approval of the H.P. Public Service Commission is pleased to order the promotion of Shri Sewa Ram Sehgal as District Food and Supplies Controller on regular basis in the pay scale of Rs. 825-1700 (Class II) Gazetted with immediate effect.

2. The above official shall remain on probation for a period of two years and his confirmation after successful completion of the probationary period, will depend upon the availability of a permanent post.

By order,
S. M. KANWAR,
Commissioner-cum-Secretary.

GENERAL ADMINISTRATION DEPARTMENT

(E-SECTION)

NOTIFICATION

Simla-171002, the 19th March, 1981

No. GAD (GI) 6(F)14 80.—*Vide* this Department Notification of even number, dated the 13th January, 1981 a Committee has been constituted under the Chairmanship of the Deputy Commissioner of each District to review the progress of implementation of the 20-Point Programme at district level and recommend to Government measures required to implement the said programme in a effective time-bound manner.

2. The Governor, Himachal Pradesh is now pleased to appoint Distt. Animal Husbandry Officer of the above mentioned committee as member of the notification referred to above, please add the following Sl. No. 17 after Sl. No. 16:—

Sl. No 17. Di. tt. Animal Husbandry Officer Member.
Sd/-
Special Secretary.

HOME DEPARTMENT

NOTIFICATION

Simla-2, the 8th April, 1981

No. Home (A)-F (13)-6 76.—in exercise of the powers conferred by clause (b) of sub-section (1) of section 8 of the Requisitioning and Acquisition of Immoveable Property Act, 1952 read with Government of India notification No. SRO 2519, dated the 24th May, 1952 and section 21 of the General Clause Act, 1897, the Governor of Himachal Pradesh is pleased to order to substitute the words "Shri J. C. Malhotra, District & Sessions Judge, Kangra, at Dharamsala occurring in the last para of Notification of even number, dated the 29th October, 1976 by the words Shri J. C. Malhotra, Secretary (Law) to the Government of Himachal Pradesh."

By order,
K. C. PANDEYA,
Chief Secretary.

उद्यान विभाग

प्रधिसूचना

गिमला-171002, 2 जनवरी, 1981

सं. 38-49/74-हीट-पैट.—इस विभाग की सम संबद्धक प्रधिसूचना दिनांक 15-11-80 के क्रम में राज्यपाल, हिमाचल प्रदेश, हिमाचल प्रदेश उद्यान उपज विभाग एवं विधायन निगम सीमित (एवं ० पौ० एम० सी०) के मैमोरेंडम आफ आर्किटेक्ट आफ एवं विभाग के अधिकारी की धारा 131 (ए) के अन्तर्भूत प्रदत्त जनियों का प्रयोग करते हुए श्रीमती विद्या स्टॉक्स, उपाध्यक्ष, हिमाचल प्रदेश उद्यान उपज विभाग एवं विधायन निगम (एवं ० पौ० एम० सी०) की नियुक्ति की निम्नलिखित शर्ते निर्धारित करते हैं—

1. किराया युक्त अधिकारी की आवास जिसे निगम देगा अथवा उसके बदले में 400/- रुपये प्रति मास का भना।
2. निगम के कार्य के लिए चालक समेत निशुल्क वाहन, प्रथम उसके बदले 300/- रुपये प्रतिमास का वाहन भत्ता नियम की ओर से।
3. रिहायश तथा कार्यालय में निगम की ओर से निशुल्क दूरभाष मुद्रिया का प्रावधान तथा।
4. यात्रा-भत्ता, दैनिक भना के बारे में अनेकमचर (ए) का अनुसूक्त करें।

ANNEXURE 'A'

T.A. & D.A. ADMISSIBLE TO THE VICE CHAIRMAN

1. TRAVELLING ALLOWANCE

(i) *Journey By Rail.*—She will be treated at par with Government Servants of the 1st Grade and will be entitled to actual fare of the class of accommodation actually used but not exceeding the first in which the Govt. servants of the first grade are normally entitled i.e. accommodation of the highest class by whatever name it may be called prescribed on the railway by which the journey is performed.

(ii) *Journey By Road.*—She will be entitled to actual fare for travelling by taking a single seat in a public bus, and if the journey is performed by motor cycle/scooter for hilly areas or by engaging a full taxi/own car, the Vice Chairman will be entitled to mileage allowance at the rate(s) prescribed by the State Govt. for Grade-I Officers.

(iii) In addition to the actual fare as mileage as per items (i) and (ii) above, Vice Chairman shall draw daily allowance for the entire absence from her permanent place of residence starting with departure from that place and ending with arrival at that place, at the same rate and subject to the same terms and conditions as apply to Grade I Officers of the State Government.

2. DAILY ALLOWANCE:

(i) The Vice-Chairman will be entitled to draw Daily Allowance for each day of the meeting at the highest rate as admissible to a Govt. servant of first Grade for the respective locality.

(ii) In addition to daily allowance for the day(s) of the meeting Vice-Chairman shall also be entitled to daily allowance for halt on tour at outstation in connection with the affairs of the Corporation as under:—

(a) if the absence from Hqs. does not exceed 6 hours. Nil

(b) if the absence from Hqs. exceeds 6 hours but does not exceed 12 hours; 70%

(c) if the absence from Hqs. exceeds 12 hours Full.

3. CONVEYANCE ALLOWANCE:

The Vice-Chairman residing at a place where the meeting of the Corporation is held will not be entitled to travelling and daily allowances on the scales indicated above, but will be allowed only the actual cost of conveyance hire, subject to a maximum of Rs. 10/- per day. Before the claim is actually paid the controlling officer should verify the claims and satisfy himself after obtaining such details as may be considered necessary that the actual expenditure was not less than the amount claimed.

If the Vice-Chairman uses her own car, she will be granted mileage allowance at the rates admissible to officials of the first grade subject to a maximum of Rs. 10 per day.

4. The Travelling and Daily allowance will be admissible to Vice-Chairman on production of a certificate by her to the effect that she has not drawn any travelling or daily allowance for the same journey and halts from any other Govt. source.

5. The Vice-Chairman will be eligible for travelling allowance for the journey actually performed in connection with the meetings of the Corporation from and to the place of her permanent residence to be named in advance. If the Vice-Chairman performs a journey from a place other than the place of her permanent residence to attend a meeting of the Corporation or returns to a place other than the place of her permanent residence after the termination of the meeting, travelling allowance shall be worked out on the basis of distance actually travelled or the distance between the place of permanent residence and the venue of the meeting whichever is less.

6. The provisions of Rule 4.17 and 6.1 of the Himachal Pradesh Treasury Rules will apply *mutatis mutandis* in the case of overpayments made on account of T.A. to the Vice-Chairman.

हस्ताक्षरित/
संचिव।

भाषा एवं संस्कृति विभाग

अधिसूचना

जिम्ना-171002, 16 अप्रैल, 1981

संख्यांक डब्ल्यू० एल० ०१० (३)-५/७५-II,—हिमाचल प्रदेश प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1976 (अधिनियम संख्या 1976 का 32) की धारा 1 की उपधारा (3) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग लाते हुए, हिमाचल प्रदेश के राज्यपाल महोदय, १ मई, 1981 के दिन को उक्त अधिनियम के प्रवृत्त होने की तिथि के रूप में सहर्ष नियत करते हैं।

NOTIFICATION

Simla-2, the 16th April, 1981

No. WLP-(35)-5/75-II.—In exercise of the powers vested in him under sub-section (3) of section 1 of the Himachal Pradesh Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1976 (Act No. 32 of 1976), the Governor of Himachal Pradesh is pleased to appoint the 1st day of May, 1981, as the day for the commencement of the said Act.

R. C. GUPTA,
Secretary.

विधि विभाग

अधिसूचना

जिम्ना-171002, 19 अप्रैल, 1981

म० एल०प्र०-०१०-१०७/३२५-५६-III.—नोटरी अधिनियम, 1952 (1952 का 53) की धारा 6 तथा नोटरी नियम, 1956 के नियम 17 के अन्तर्गत सहित, के उपक्रमों के अनुसरण में राज्यपाल महोदय, हिमाचल प्रदेश सरकार द्वारा नियम निर्माणिका नोटरीयों जो वर्ष 1981 के आरम्भ में कार्रवत हो, की सूची जारीकीय राजपत्र में सहर्ष, प्रकाशित करने हैं—

नोटरीयों की सूची

क्र०	नोटरी का नाम	निवास तथा व्यवसायिक योग्यताएँ	अंत्र जिम्ना विषय
न०	पन्ना	में वह व्यवसाय करने के लिए प्राविकृत है	

1. श्री एन्. आर. कुमार भवन दी.ए.एल. जिला सोलन आनन्द, एड- दी. माल एल.वी. वोकेट। मोलन, हिं.प्र.

पाडवोरेट

2. श्री देविन्द्र योलन दी.ए.एल. जिला जिम्ना गुज्जा, पाडवो- दी.पी.पी. एल.वी. केट लकड़ एडवोकेट वाराणी, हि. प्र. जिम्ना हाई कोर्ट, जिम्ना

आईज में, जी० एम० चैहान, अव० नविंद्र

जिम्ना-171002, 7 अप्रैल, 1981

क्रमांक एल०प्र०-०१०-१०७/३२५-१०० (१) २/८।—हिमाचल प्रदेश राज्य परीक्षों के कानूनी सहायता के नियम, 1980 के नियम 16 के उप-नियम (२) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्यपाल महोदय श्री जोगिन्द्राला विश्राम मंत्रा मंदस्थ को इस प्रकार की अधिसूचना संख्या: एल०प्र०-०१० (१) १/७६, दिनांक 21-२-१९८१ द्वारा संरचित उप-मण्डलीय कानूनी सहायता समिति, कर्सोग, जिला मण्डी के मदत्व के रूप में सहर्षे समोनीत करते हैं।

[Authorised English text of the Government notification No. LLR-E(91)/81, dated 7th April, 1981, as required under Article 348(3) of the Constitution of India].

Simla-171002, the 7/8th April, 1981

No. LLR(E)(9)-1/81.—In exercise of the powers vested in him under sub-rule (2) of rule 16 of the Himachal Pradesh State Legal Aid to the Poor Rules, 1980 the Governor, Himachal Pradesh, is pleased to nominate Shri Joginder Pal, M.L.A., as the member of the Sub-Divisional Legal Aid Committee, Karsog, Mandi district, constituted *vide* this Government Notification No. LLR-(D)(1)-1/76, dated 21st February, 1981.

शिमला-171002, 7 अप्रैल, 1981

क्रमांक: एल.0एल.0आर.0 ई0(9)1/81।—हिमाचल प्रदेश राज्य मरींचों को कानूनी सहायता के लियम, 1980 के लियम, 14 के उपनियम (1) के अन्तर्गत प्रदत्त जक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल महोदय श्री योग राज विधान सभा सदस्य को इस सरकार की अधिसूचना संभव्या: एल.0एल.0आर.0(डी.0)।(1)1/76, दिनांक 19-1-2-1980 द्वारा संरचित हिमाचल प्रदेश उच्च न्यायालय के लिए उच्च न्यायालय कानूनी सहायता समिति के सदस्य के रूप में महर्ष मनोनीत करते हैं।

[Authorised English text of the Government Notification No. LLR-E(9)-1/81, dated 7th April, 1981, as required under Article 348(3) of the Constitution of India].

NOTIFICATION

Simla-171002, the 8th April, 1981

No. LLR(E)(9)-1/81.—In exercise of the powers vested in him under sub-rule (1) of rule 14 of the Himachal Pradesh State Legal Aid to the Poor Rules, 1980, the Governor, Himachal Pradesh, is pleased to nominate Shri Yog Raj, Member Legislative Assembly as the member of the High Court Legal Aid Committee for the Himachal Pradesh High Court, constituted *vide* this Government Notification No. LLR-(D)(1)-1/76, dated 19th December, 1980.

शिमला-171002, 7 अप्रैल, 1981

क्रमांक: एल.0एल.0आर.0 (ई) (9)-1/81।—हिमाचल प्रदेश राज्य मरींचों को कानूनी सहायता के लियम, 1980 के लियम 16 के उपनियम (2) के अन्तर्गत प्रदत्त जक्तियों का प्रयोग करते हुये, हिमाचल प्रदेश के राज्यपाल महोदय, श्री राम चन्द्र, विधान सभा सदस्य को इस सरकार की अधिसूचना संभव्या एल.0एल.0आर.0 (डी.0)।(1)-1/76, दिनांक 14-1-1981 द्वारा संरचित उप-मण्डलीय कानूनी सहायता समिति भर्मार चम्बा जिला के सदस्य के रूप में महर्ष मनोनीत करते हैं।

[Authorised English text of the Government Notification No. LLR-F(9)-1/81, dated 7th April, 1981, as required under Article 348(3) of the Constitution of India].

NOTIFICATION

Simla-171002, the 7/8th April, 1981

No. LLR(E)(9)-1/81.—In exercise of the powers vested in him under sub-rule (2) of rule 16 of the Himachal Pradesh State Legal Aid to the Poor Rules, 1980, the Governor, Himachal Pradesh, is pleased to nominate Shri Ram Chand M.L.A., as a member of the Sub-Divisional Legal Aid Committee, Bharmour, Chamba district constituted *vide* this Government Notification No. LLR-(D)(1)-1/76, dated 14th January, 1981.

J. C. MALHOTRA,
Secretary.

नोक निर्माण विभाग

अधिसूचनाएँ

शिमला-2, 28 फरवरी, 1981

मं.0: लो.0 नि.0 (ब) (1) 1-4/80।—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर मार्वजनिक प्रयोजन नामतः ममलीय-डोमेन्हर मड़क ग्राम बैकमू और नेर्ग के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एनद्वारा यह अधिसूचित किया जाता है कि उक्त परीक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना नें मध्ये मध्ये व्यक्तियों जो इस में सम्बन्धित हैं या हो सकते हैं की जानकारी मू-अर्जन अधिनियम, 1894 की धारा 4 की उपवर्ध्यों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा प्रदत्त जक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यान्त मध्ये अधिकारियों/कर्मचारियों और श्रमिकों को इनाके में किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अधिवा अनुमत मध्ये अन्य कार्यों को करने के लिए महर्ष प्राधिकार देते हैं।

4. कोई भी ऐसा हितबद्ध व्यक्ति, जिसे उक्त परीक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भ-अर्जन समाहर्ता, शिमला-3, हिमाचल प्रदेश लोक निर्माण विभाग के मम्मुख अपत्ति दायर कर सकता है।

विस्तृत विवरण

जिला: सोलन

तहसील: कण्डाबाट

क्षेत्र

विधा विस्ता

गांव	खसरा नं०	विधा विस्ता
बैकमू	698/1	0 11
नेर्ग	680/1	0 3
	106/1	0 2
	718/154	0 7
किता	4	1 3

शिमला-2, 13 अप्रैल, 1981

सं. लो.0नि.0(ब) (9) (1)-1/81।—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होती है कि हिमाचल प्रदेश सरकार व्यय पर मार्वजनिक प्रयोजन नामतः धन्नाटी-बैकमू सड़क गांव बैकमू लिखित हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एनद्वारा यह अधिसूचित किया जाता है कि उक्त परीक्षेत्र में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे मध्ये व्यक्तियों को जो इससे सम्बन्धित हैं या हो सकते हैं की जानकारी के लिए भू-अर्जन अधिनियम, 1894 की धारा 4 के उपवर्ध्यों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा प्रदत्त जक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यान्त मध्ये अधिकारियों/कर्मचारियों और श्रमिकों को इनाके में किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अधिवा अनुमत मध्ये अन्य कार्यों को करने के लिए महर्ष प्राधिकार देते हैं।

4. कोई भी ऐसा हितबद्ध व्यक्ति, जिसे उक्त परीक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भ-अर्जन समाहर्ता, शिमला-1, हिमाचल प्रदेश लोक निर्माण विभाग के मम्मुख अपत्ति दायर कर सकता है।

विस्तृत विवरण

जिला: शिमला

उप-तहसील : सूनी

क्षेत्र

विधा विस्ता

गांव	खसरा नं०	विधा विस्ता
1	2	3 4
बैकमू/206	331/193	0 3
	385/328/83	0 3
	387/328/83	0 4
	386/328/83	0 3
	376/318	4 0
	195	0 5
	297	9 0
	82	0 3
	329/83	0 15
	311	12 0
	199	2 14
	296	5 18
	330/193	0 2
	332/193	0 1
	197	0 3
	197/1	0 3

1	2	3	4
312		7	0
316		1	0
377/318		8	0
317		2	0
192		2	8
388/85		0	2
389/85		0	0
414/292		12	0
300		10	0
194		0	9
जोड़ ..	26	78	16

गिमला-2, 13 अप्रैल, 1981

सं० : लो०नि० (ब) ९(१)-१/८१—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश मरकार डारा मरकारी व्यव पर सार्वजनिक प्रयोजन नामतः घनाटी व्यापार मटक ग्राम मटक निर्माण हेतु भूमि अर्जित करनी अपेक्षित है अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी मैं निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों जो इस सम्बन्धित हैं या जो सकते हैं की जानकारी के लिये भू-अर्जन अधिनियम, 1894 की धारा 4 के उपवन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा डारा प्रदेश जकियों का प्रयोग करने हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों/कर्मचारियों और श्रमिकों को इलाकों में किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा डारा अपेक्षित अवधार अनुमति सभी अन्य कार्यों को करने के लिए सहर्य प्राधिकार देते हैं।

4. कोई भी ऐसा हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीम दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन, गिमला-3 समाहर्ता हिमाचल प्रदेश लोक निर्माण विभाग के समुद्भ अपनी आपत्ति दायर कर सकता है।

विस्तृत विवरण

तहमील : गिमला

गांव	खस्ता नं०	बिधा विवाद	अंकव	अंकव
1	2	3	4	4
कुर्इस्त-55	208		1	4
	209		0	10
	329/210		1	12
	86		0	12
	100		0	10
	92		0	4
	96/1		0	7
	100/1		0	9
	87		0	4
	88		0	7
	85		0	11
	89		0	2
	90		0	5
	104		0	9
	93		0	8
	94		0	4
	255		16	0
	91		0	0
	202		1	15
	285/253		30	15
	195		20	0
जोड़ ..	21		75	17

हस्ताक्षरित/-
सचिव ।

REVENUE DEPARTMENT

NOTIFICATIONS

Simla-2, the 21st April, 1981

No. 2-37/64-Rev. A-Vol. III.—In exercise of the powers vested in him under clause (b) of sub-section (1) of Section 28 of the Himachal Pradesh Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on Shri Dila Ram Hazari, Tehsildar Thunag, District Mandi, powers of Assistant Collector, First Grade under the said Act to be exercised by him within the local limits of Tehsil Thunag (Mandi district) with immediate effect.

Simla-2, the 11th May, 1981

No. 9/6/70-Rev-II.—In pursuance of provisions of Section 19 of the Himachal Pradesh Holdings (Consolidation & Prevention of Fragmentation) Act, 1971 and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to direct that a revision of the map, field book and records of rights of village Kheri H. B. No. 64. Sub-Tehsil Sujanpur, District Hamirpur, be undertaken.

Simla-171002, the 12th May, 1981

No. Rev. D (A) 2-1/81.—In exercise of the powers vested in him under clause (a) of sub-section (1) of Section 28 of the H. P. Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to confer on Shri Kashmir Singh, Collector (Forests) Chamba and Mandi districts, Mandi (H.P.) all the powers of Collector under the said Act to be exercised by him within the local limits of Chamba and Mandi districts subject to the control of the Collectors of the districts with immediate effect.

Simla-2, the 12th May, 1981

No. Rev. I-A (2)-2 76.—In exercise of the powers vested in him under clause (b) of sub-section (1) of Section 28 of the H. P. Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf the Governor, Himachal Pradesh is pleased to confer on Shri R. P. Kaushal, Tehsilder (Recy.) Hamirpur all the powers of Asstt. Collector, First Grade under the said Act to be exercised by him within the local limits of District Hamirpur with immediate effect.

Simla-2, the 12th May, 1981

No. Rev. I. A (2)-2 76.—In exercise of the powers vested in him under clause (b) of sub-section (1) of Section 28 of the H. P. Land Revenue Act, 1953 (Act No. 6 of 1954) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to confer on the following officers, all the powers of Asstt. Collector, Second Grade under the said Act to be exercised by them within the local limits of their jurisdiction as specified against each, with immediate effect:—

Name and Designation of Officer	Area of Jurisdiction
1. Shri Inder Singh Thakur	Sub-Tehsil Lad Bharol N.T. Lad Bharol, Distt. Mandi (H.P.).
2. Sh. Nokhu Ram, N. T. Bali	Sub-Tehsil Bali Chowk, Distt. Mandi (H.P.).

By order,
Sd/-
Secretary.

Simla-171002, the 11th July, 1981

No. Rev. I(B) 15-69/80.—The Financial Commissioner, Himachal Pradesh, is pleased to order the promotion of Shri Chet Ram Kainthla, Naib-Tehsilder Rohroo, District Simla as Tehsilder in the scale of Rs. 825—1580 purely on temporary basis for a period of six months or

till "A" & "B" class Tehsildari candidates are declared qualified for their appointment as Tehsildars or Naib-Tehsildars who are senior to Shri Kainthla becomes eligible for their promotion, whichever is earlier.

2. Financial Commissioner, Himachal Pradesh, is further pleased to post Shri Chet Ram Kainthla as Tehsildar Rohroo, District Simla against a vacant post. The promotion of Shri Kainthla will take effect from the date of his taking over the charge of the post of Tehsildar Rohroo.

P. C. DOGRA,
Deputy Secretary.

विधान सभा निवालन

अधिसूचनाएँ

गिमला-171004, 10 अप्रैल, 1981

मंद्या 1-36/77-वि-0म-0-अध्यक्ष, हिमाचल प्रदेश विधान सभा ने वर्ष 1981 के वैचल आफ प्रिजाइंटिंग में वर्ज के लिए नियन्त्रित नियमों का नामांकन किया है:-

1. श्री गनाव मिह
2. श्री किंगरी लाल

भाग 2--वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला संस्कृती द्वारा अधिसूचनाएँ इत्यादि

शृंग

भाग 3-अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेन्शल कमिशनर तथा कमिशनर आफ इन्क्स टैक्स द्वारा अधिसूचित अवैशिष्ट्यादि

EDUCATION DEPARTMENT

NOTIFICATION

Simla-2, the 17th February, 1981

No. Edn. (A) (3)-4 76.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to incorporate the following clause as Rule 14 to Annexure enclosed with the Recruitment and Promotion Rules for (Class I) Gazetted Post of Joint Director of Education (Schools) notified *vide* notification of even number, dated the 14th November, 1977 as under:—

“14. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the Himachal P.S.C., relax any of the provisions of these rules with respect to any class or category of persons or posts.”

2. The Governor, Himachal Pradesh, is further pleased to substitute the footnotes appended to the aforesaid Annexure as under:

Foot-notes:

1. A candidate for appointment to any service or post must be:—

- a citizen of India, or
- a subject of Nepal, or
- a subject of Bhutan, or
- a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India;

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

3. श्री मत्य देव वर्णहरी और
4. श्री बचित्र सिंह

गिमला-171004, 13 अप्रैल, 1981

मंद्या 1-3/81-वि-0म-0-हिमाचल प्रदेश विधान सभा की कार्यवाही दिनांक 1 अप्रैल, 1981 को हाई बैठक की समाप्ति पर अनियन्त्रित काल के लिए स्थगित की जाती है।

गिमला-171004, 13 अप्रैल, 1981

मंद्या 2-23/78-वि-0 स-0-II.—हिमाचल प्रदेश विधान सभा की प्रतिक्रिया एवं कार्य मंत्रालय नियमावली, 1973 के नियम 225 के उप-नियम (2) के अनुसरण में लोक नेवा समिति 1981-82 में अपनी बैठक 13 अप्रैल, 1981, 5.10 बजे अप्राह्यात्र में श्री किंगरी लाल को सर्वसम्मति में समिति का समाप्ति चुना गया।

राज कुमार महाजन,
सचिव।

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India/Himachal Pradesh Government.

2. Upper-age limit for direct recruits will not be applicable to the candidates already in the services of the Government.

3. Upper age-limit is relaxable for Scheduled Castes/Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the Himachal Pradesh Government.

4. Age-limit for direct recruits will be reckoned from the last date fixed for receipt of applications by the Commission.

5. Age and qualifications for direct recruits relaxable at the discretion of the Commission in the case of candidates otherwise well qualified.

6. Provisions of columns 10 and 11 are to be revised by the Government in consultation with the Himachal Pradesh Public Service Commission as and when the number of posts under column 2 are increased or decreased.

7. Selection for appointment to these posts in the case of direct recruitment, shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient by a written test, the standard/syllabus etc., of which will be determined by the Commission or a practical test.

8. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad-hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration.

Provided that all incumbents to be considered for promotion/confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account

of the requirement prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

9. The employees of all the public sector corporations and autonomous bodies who happened to be Government servants before absorption in public sector corporations/autonomous bodies at the time of initial constitution of such corporations/autonomous bodies, shall be allowed age-concession in direct recruitment as admissible to Government servants. This concession, will not, however, be admissible to such staff of the public sector corporations/autonomous bodies who were/are subsequently appointed by such corporations/autonomous bodies and are/were finally absorbed in the service of such corporations/autonomous bodies.

10. The appointments to this service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward Classes issued by the Himachal Pradesh Government from time to time.

11. *Departmental Examination.*—(i) Every member of the service shall pass a departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the notification of these rules whichever is later failing which he shall not be eligible to:

- (a) cross the Efficiency Bar next due,
- (b) confirmation in the service, and
- (c) promotion to the next higher post;

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit, shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom no departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on the 1st of March, 1976, shall not be required to qualify the departmental examination prescribed under these rules.

(ii) An officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination, if he has already passed the same in the lower gazetted post.

(iii) The Government may in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be reduced to writing, exemption in accordance with the departmental examination rules, to any class or category of persons from the departmental examination in whole or in part.

3. It will take effect immediately.

ANANG PAL,
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-171002, the 30th December, 1980

No. PBW-1(3)-1/78.—In exercise of the powers conferred under proviso to Article 309 of the Constitution of India and all the powers enabling him in this behalf, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion

Rules in respect of the post of State Town Planner Class-I Gazetted) in the Department of Town and Country Planning Organisation, Himachal Pradesh, as per Annexure-A.

2. This will take effect from the issue of this notification.

H. C. MALHOTRA,
Secretary.

परिणाम—III

हिमाचल प्रदेश सरकार के नामक निर्माण विभाग में स्टेट टाउन प्लानर पद के भर्ती तथा पदोन्नति नियम

क्रमांक

1. पद का नाम स्टेट टाउन प्लानर
2. पदों की संख्या एक
3. पदों का वर्गीकरण श्रेणी एक (ग्रामीण)
4. वेतन मात्र 1600—2000 समय
5. क्या प्रवरण पद है या अप्रवरण पद प्रवरण (मन्त्रिकारण)
6. मीठी भर्ती के लिए आयु सीमा नामु नहीं
7. मीठी भर्ती के लिए अपेक्षित न्यूनतम आयु नहीं ग्रामीणिक और अन्य अद्वैतीय
8. क्या मीठी भर्ती के लिए निर्धारित आयु नहीं आयु सीमा और ग्रामीणिक अद्वैतीय पदोन्नति अविभागों की स्थिति में भी प्रयोग्य होती

9. परिवेशाश्रय विधि कोई हो दो वर्ष तक प्रेसी अवधि जो कि एक वर्ष से अधिक न हो, के लिए आगामी विभाग के अध्याधीन जैसी कि विभाग परिविवरियों में यक्षम प्रविकारी द्वारा निश्चित रूप में कारग निश्चिदं कर दिया जाय।

10. भर्ती का दृग मीठी भर्ती द्वारा, पदोन्नति द्वारा और प्रेसी अवधि विभाग न देने पर प्रतिनियुक्ति अव्यालरण द्वारा नथा विभिन्न द्वाग। दृग द्वारा नियन्त्रित स्थानों को भरने की प्रतिज्ञना

11. पदोन्नति, प्रतिनियुक्ति स्थानान्तरण (1) टाउन प्लानर द्वारा भर्ती किए जाने की अवस्था जिनके पास टाउन प्लानिंग या अर्चिक्टकर में वह वेतन कम जिनमें में डिग्री हो, और टाउन पदोन्नति, प्रतिनियुक्ति स्थानान्तरण व कट्टी प्लानर के पद पर मात्र वर्ष के मेवा किया जाता है।

(2) केन्द्र ग्रन्थ राज्यों के उन अधिकारियों में में प्रतिनियुक्ति द्वारा जिन के पास टाउन प्लानिंग या अर्चिक्टकर में डिग्री हो, और टाउन व कट्टी प्लानर के पद पर मात्र वर्ष के मेवा का अनुभव रखने हों।

नोट—(1) प्रतिनियुक्ति का समय साथारणता तीन वर्ष से अधिक नहीं होगा।
(2) टाउन प्लानर जो पहले ही विभाग के पास प्रतिनियुक्ति पर है, पदोन्नति के लिये पात्र नहीं होगे।

12. यदि विभागीय पदोन्नति समिति श्रेणी एक विभागीय पदोन्नति विभाग है तो इसकी संगति समिति जैसे कि समय-समय पर निर्धारित की जायगी।

क्रमांक

13. परिस्थितियों जिनमें भर्ती के लिए जैसा कि विधि अधीन हिमाचल प्रदेश लोक सेवा आयोग अनेकित है।

का परामर्श लेना आवश्यक है।

पाद टिप्पणियाः—

1. उपर्युक्त सेवा या पद के लिये वह जरूरी है कि उम्मीदवार निम्नलिखित होः—

(क) भारतीय नागरिक, या

(ख) नैपाल की प्रजा, या

(ग) भूटान की प्रजा, या

(घ) तिब्बती विस्थापित जो कि एक जनवरी, 1962 से पहले भारत में स्थाई रूप से रहने के उद्देश्य से आया हो, या

(ङ) भारतीय मूल का व्यक्ति जो पाकिस्तान, बर्मा, श्रीलंका, पूर्वी अफ्रीका, कीनिया, यूगांडा, संयुक्त गणतन्त्र तंजानिया इनमें पूर्वे नागानीका और जन्जीवार, जाविया, मालवी, जेयर तथा इथोपिया से भारत में स्थाई रूप से रहने के उद्देश्य से आया हो।

उपविधित है कि वर्ग (घ), (ग), (घ) और (ङ) से मन्दविधित वही प्रत्यायी माना जाएगा जिसका भारत सरकाराराज्य सरकार ने पावता का प्रमाण-पत्र जारी किया हो। प्रत्यायी जिसके बारे में पावता का प्रमाण-पत्र अनिवार्य हो की भी हिमाचल प्रदेश लोक सेवा या अन्य भर्ती द्वारा आयोजित माध्यकारी या किसी परीक्षा में बैठने की आज्ञा दी जा सकती है परन्तु उसे नियुक्ति का प्रस्ताव तभी दिया जाए। जब कि उसे पावता का आवश्यक प्रमाण पत्र भारत सरकार हिमाचल प्रदेश सरकार द्वारा जारी किया गया हो।

2. सीधी भर्ती के लिए उच्चतम आयु सीमा उन उम्मीदवारों पर लागू नहीं होगी जो पहले ही सरकारी सेवा में हों।

3. अनुसूचित जातियों अनुसूचित जन-जातियों के उम्मीदवारों तथा अन्य वर्गों के व्यक्तियों के लिए उच्चतम आयु सीमा में उन्हीं छूट देय है जिनमें हिमाचल प्रदेश सरकार के मामान्य अध्यवा विशेष अनुदेशों के अन्तर्गत अनुमत है।

4. सीधी भर्ती के लिए आयु सीमा आयोग द्वारा आवेदन-पत्र प्राप्त करने के लिए नियुक्ति की गई अनिम नियम में गिनी जायेगी।

5. सीधी भर्ती की स्थिति में अन्यथा विशेष योग्यता प्राप्त उम्मीदवारों के लिये आयु तथा अनपत्र में मन्दविधित योग्यताओं में आयोग के विवेकानुभाव छूट देय होगा।

6. जब कभी खाना-2 के प्रधीन पदों की संख्या में बढ़िया अध्यवा कमी की वई हो तो हिमाचल प्रदेश लोक सेवा आयोग के परामर्श में खाना संख्या 10 और 11 के उपवन्ध सरकार द्वारा संशोधित किये जायें।

7. जबकि सरकार की यह गाय हो कि यह करना आवश्यक अध्यवा उचित है तो वह नियुक्ति रूप में इस के कारण गिरावट करके नवा हिमाचल प्रदेश लोक सेवा आयोग में परामर्श लेकर व्यक्तियों अध्यवा पद की किसी भी श्रेणी अध्यवा वर्ग के सम्बन्ध में इन नियमों के किसी भी उपवन्ध में छूट देने का आदेश कर सकती है।

8. सीधी भर्ती की स्थिति में नियुक्ति के लिए न्यूनता, सीधिक परीक्षा के आधार पर या यदि आयोग ऐसा आवश्यक अध्यवा उचित समझे तो नियुक्ति परीक्षा द्वारा, जिसका स्वरूप पाठ्यक्रम इत्यादि आयोग द्वारा निर्भरित होगा अध्यवा व्यावहारिक परीक्षा द्वारा किया जायेगा।

9. ऐसे मध्ये प्रकरणों में जबकि कोई कनिष्ठ व्यक्ति कोडर पद पर अपर्याप्त कुल सेवा अवधि (नदर्य सेवा महिला) के आधार पर (पदोन्नति आदि) विचार पात्र होता है तो मन्दवन्धी वर्ग में उसमें विशेष सीधी व्यक्ति, ऐसे विचार के लिए पात्र माने जायेंगे और कनिष्ठ व्यक्तियों में उपर रखे जायेंगे।

उपविधित है कि ऐसे सभी व्यक्तियों, जो पदोन्नति/स्थाईकरण के लिए विचाराधीन हों, उनकी कम से कम तीन वर्ष की अनुमति अर्हकारी सेवा होनी चाहिए अध्यवा वह अहंता जो कि ऐसे पद/सेवा के भर्ती तथा पदोन्नति नियमों में निर्धारित हों, दोनों में से जो भी कम हो।

आगे उपविधित है कि जब कोई व्यक्ति पूर्ववर्ती परन्तुक में निर्धारित के कारण पदोन्नति/स्थाईकरण हेतु विचार करने के लिए अयोग्य होता हो तो ऐसे व्यक्ति जो उससे कनिष्ठ हो, को भी ऐसी पदोन्नति/स्थाईकरण के लिये अयोग्य समझा जायेगा।

10. जासकीय क्षेत्र के नियमों तथा स्वायत्त निकायों के सभी कमचारियों जो इन शासकीय क्षेत्र के नियमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय इनमें से पहले अन्तर्लंगय सरकारी कमचारी थे, को भी सरकारी कमचारियों की भाँति सीधी भर्ती में आयु सीमा में छूट होगी। इस प्रकार की छूट शासकीय क्षेत्र के नियमों तथा स्वायत्त निकायों के उन कमचारियों को उपलब्ध नहीं होगी जो उक्त नियमों/स्वायत्त निकायों द्वारा बाद में भर्ती किये गये हों और इन शासकीय क्षेत्र के नियमों/स्वायत्त निकायों के प्रारम्भिक गठन के बाद अन्तिम रूप में उन नियमों/स्वायत्त निकायों में अन्तर्लीन हो गये हों।

11. उक्त सेवा में नियुक्ति अनुसूचित जातियों, अनुसूचित जन-जातियों, पिछड़े वर्ग, अन्यथोदय के अन्तर्गत चयनित परिवारों इत्यादि के लिए नेवाओं में हिमाचल प्रदेश सरकार द्वारा समय-समय पर जारी किये गये आदेशों के अधीन होगा।

12. विभागीय परीक्षा—(I) सेवा में प्रत्येक सदस्य को हिमाचल प्रदेश विभागीय परीक्षा नियम, 1976 के अन्तर्गत निर्धारित विभागीय परीक्षा, परिवीक्षा अधिक के भीतर या इन नियमों के अधिसूचित होने के दो वर्ष के भीतर (जो भी बाद में हो) पास करनी अनिवार्य होगी अन्यथा उक्त सदस्य निम्नलिखित का पात्र नहीं होगा:

(अ) आगामी देव दक्षतावरोध पार करने के लिए।

(ब) सेवा में स्थाईकरण हेतु, और

(स) अगली उच्च पद पर पदोन्नति के लिए।

उपविधित है कि यदि सदस्य अन्यथा पदोन्नति के लिए उपर लिखित अवधि के भीतर योग्य हो जावे तो उसे पदोन्नति के लिये विचार में रखा जायेगा और यदि योग्य पाया जायेगा तो उसे अस्थाई रूप में पदोन्नति किया जायेगा और उसे इस उपवन्ध के अन्तर्गत विभागीय परीक्षा पास करनी होगी यदि वह उक्त परीक्षा पास नहीं करता है तो उसकी पद अवनति की जायेगी।

आगे उपविधित है कि यदि किसी अधिकारी ने इन नियमों के अधिसूचित होने से पहले कोई विभागीय परीक्षा निर्धारित नहीं थी और अधिकारी । मार्च, 1976 को 45 वर्ष की आयु पार कर चुका हो तो उसे इन नियमों के अधीन निर्धारित विभागीय परीक्षा पास करनी आवश्यक नहीं होगी।

आगे और उपविधित है कि यदि किसी अधिकारी को इन नियमों के अधिसूचित होने से पहले कोई विभागीय परीक्षा निर्धारित नहीं थी और अधिकारी । मार्च, 1976 को 45 वर्ष की आयु पार कर चुका हो तो उसे इन नियमों के अधीन निर्धारित विभागीय परीक्षा पास करनी आवश्यक नहीं होगी।

(II) एक अधिकारी को उसकी सीधी पदोन्नति लाइन में उच्च पद की पदोन्नति पर उपर्युक्त परीक्षा पास करने की आवश्यकता नहीं होगी यदि उसने निचले राजपत्रित पद पर पहले ही उक्त परीक्षा पास कर ली हो।

(III) सरकार चाहे तो हिमाचल प्रदेश लोक सेवा आयोग की परामर्श में विशेष परिस्थितियों में और नियमित सेवा के अनुमति विचार के अधीन व्यक्तियों की किसी भी श्रेणी या वर्ग की सम्पूर्ण या आंशिक रूप में विभागीय परीक्षा नियमों के अनुमति व्यक्तियों की किसी भी श्रेणी या वर्ग की सम्पूर्ण या आंशिक रूप में विभागीय परीक्षा की छूट दे सकती है।

भाग 4—स्थानीय स्वायत शासन: म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एसिया नथा पंचायती राज विभाग

स्थानीय स्वायत शासन विभाग

अधिकृत चूना

शिमला-2, 11 फरवरी, 1981

मुख्य पार खात्र सामग्री को छोड़ कर अन्य समस्त मदां (आइट्स) पर 25 प्रतिशत सरचार्ज तथा खात्र सामग्री पर 15 प्रतिशत सरचार्ज लगाते के महर्य आंदें देते हैं।

संख्या 13-12/71-एल0 एस0 जी0.—राज्यपाल, हिमाचल प्रदेश, हिमाचल म्यूनिसिपल एक्ट, 1968 की धारा 61 के अन्तर्गत प्रदत्त प्रक्रियाओं का प्रयोग करते हुए, नगरपालिका नूपुर के प्रबलित चुंगी

आदेश द्वारा,
क. शमशेर, सिद्ध,
मविव।

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Shri Dharam Paul Sood, District Judge Hamirpur and Una Districts at Hamirpur

Succession case No. 2 of 1981

Som Dutt, 2, Kishori Lal sons of Bhagat Ram s/o Lal, resident of Tika Brahari, Tappa Jangal, Tehsil and District Hamirpur *...Petitioners.*

Versus

General public.

To
The general public.

Whereas the petitioners S/Shri Som Dutt and Kishori Lal have applied for grant of succession certificate for the estate of Shri Bhagat Ram s/o Lal, resident of village Brahari, Maua Jangal, Tehsil and District Hamirpur (H. P.) who died on 13.2.1979, under section 372 of the Indian Succession Act.

Notice is hereby issued to the general public to file objections, if any, against the grant of succession certificate in favour of the petitioners on or before 29.6.1981 at 10 A.M. in this Court, failing which *ex parte* proceedings shall be taken in accordance with law.

Given under my hand and the seal of the court on this 1st day of June, 1981.

Seal.

DHARAM PAUL SOOD,
District Judge, Hamirpur.

**PROCLAMATION UNDER ORDER 5, RULE 20,
C. P. C.**

In the Court of Shri Surendra Prakash, District Judge, Simla, Himachal Pradesh

C. M. A. 128-S/14 of 1979

Shri Raghu Nath Singh son of Shri Bhan Singh, resident of Prem Puri, S. T. Kumarsain, District Simla, H. P. *...Petitioner.*

Versus

Shri Dayal Singh son of Shri Dhan Singh and 4 others *...Respondents.*

Civil Misc. Appeal under Order 43 Rule 1 (r) C. P. C. on behalf of the appellant against the order of the learned Sub-Judge, Rampur, District Simla in case No. 36-6/79 on 27.7.79.

To

Shri Ranjit Singh son of Dhan Singh, resident of Prem Puri at present Advocate, Supreme Court of India, care of Patel Chest Institute, University Delhi *...Respondent.*

WHEREAS it has been proved to the satisfaction of this Court that the above noted respondent could not be served in ordinary course of service as the notices issued several times in his name have come back unserved. Now this proclamation under order 5, rule 20C. P. C. is hereby

issued against him requiring him to appear in this court on 4.8.1981 at 10 A. M. personally or through authorised agent or pleader to defend the appeal failing which *ex parte* proceedings shall be taken against him.

Given under my hand and the seal of this court this 6th day of June, 1981.

Seal,

SURENDRA PRAKASH,
District Judge, Simla, H.P.

In the Court of Shri Surendra Prakash, District Judge, Simla, Himachal Pradesh

H. M. A. 23-S/3 of 1980

Smt. Sunder Dasi wife of Shri Roshan Lal, resident of Tents pitched near the Jakhoo Temple, Simla-1 *...Petitioner.*

Versus

Shri Roshan Lal son of Shri Punu Ram, resident of Manali near Bridge of river Vyas, opposite Rest House, District Kulu, Himachal Pradesh *...Respondent.*

Petition for dissolution of marriage by a decree of divorce under section 13 of the Hindu Marriage Act, 1976.

Whereas in the above noted petition it has been proved to the satisfaction of this court that the above named respondent could not be served in ordinary course of service as the notices issued several times and the same have come back unserved. Now this proclamation under order 5 rule 20 C. P. C. is hereby issued against the above respondent to appear in this Court on 16-7-1981 at 10 A. M. personally or through authorised agent to defend his case, failing which petition shall be heard and decided *ex parte*.

Given under my hand and the seal of this court this 6th day of June, 1981.

Seal.

SURENDRA PRAKASH,
District Judge, Simla,
Himachal Pradesh.

In the Court of Shri Surendra Prakash, District Judge, Simla Division at Simla-1, Himachal Pradesh

G. W. A. 1-S/2 of 1981

Shri Daultia s/o Shri Bhuru, r/o village Chaleog, Tehsil and District Simla, H. P. *...Applicant/Petitioner.*

Versus

General public and one other *...Respondents.*

Application for declaration and appointment of Guardian of the person of the minor and for the receipt of all benefits viz. Payment of Grant, Fund pension and gratuity etc. accrued to him proportionately on account of death of father Balak Ram under section 7/8 of the Guardians and Wards Act, 1890.

प्रकाश

To

The general public.

Whereas in the above noted petition the petitioner/applicant has moved and application for the appointment of guardian of Bhoop Ram minor to receipt of all benefits due to the death of Balak Ram deceased.

Notice is hereby given to the general public, relations, and kinsman of the deceased that if any body has got any objection for the appointment of guardian of minor Bhoop Ram, the same be filed in this court on 29-6-1981 at 10 A.M. failing which the petition will be heard and decided *ex parte*.

Given under my hand and the seal of this court this 27th day of May 1981.

Seal.

SURENDRA PRAKASH.
District Judge, Simla.

In the Court of Shri Surendra Prakash, District Judge,
Simla, Kinnar and Bilaspur Districts at Simla-1,
Himachal Pradesh

S. A. 5-S/2 of 1981

Rajinder Prasad son of late Shri Ghungar Mall Sood, r/o 115, Lower Bazar, Simla . . . Petitioner.

To the general public . . . Versus

General public and 4 others . . . Respondents.

Petition under Section 372 of the Indian Succession Act 1925 for the grant of Succession Certificate in respect of the property of late Shri Ghungar Mall Sood, r/o 115, Shri Sadhu Mall Sood, 115 Lower Bazar, Simla, H. P.

To

The general public.

against/ about

Whereas in the above noted petition the Petitioner has applied for the grant of succession certificate to realise the property along with interest deposited by Sh. Ghungar Mall deceased.

versus

Notice is hereby given to the general public, relations and kinsman of the deceased Shri Ghungar Mall that if any body has got any objection for the grant of succession certificate in the favour of the above named petitioner the same be filed in this court on 7-7-1981 at 10 A.M. failing which the petition will be heard and decided *ex parte*.

Given under my hand and the seal of this court this 28th day of May 1981.

Seal.

SURENDRA PRAKASH.
District Judge, Simla.

PROCLAMATION UNDER ORDER 5, RULE 20
C. P. C.

In the Court of Shri Surendra Prakash District Judge Simla Division at Simla exercising the powers of Motor Accident Claims Tribunal, Simla.

S. A. 1-S/2 of 1981-2471

Shri Deepak Singh s/o Shri J. P. Singh, Three Star Orchards, Village and Post Office Thanadhar, District Simla . . . Claimant-Petitioner.

to whomsoever bus in Versus

Himachal Pradesh/Road Transport Corporation and other/other/other . . . Respondents.

To the general public

Shri Ram Chander, Driver of Bus No. HPS 3482, H. R. T. C. Through General Manager, Himachal Road Transport Corporation, Simla.

Whereas in the above noted petition it has been proved to the satisfaction of this Court that the above named Respondent can not be served in ordinary course of service, the summons issued against him has been received unserved. Hence this proclamation under order 5 rule 20 C.P.C. is hereby issued against the above noted Respondent to appear in this Court on 14-7-1981 at 10 A. M. personally or through authorised agent failing which *ex parte* proceedings shall be taken against you.

Given under my hand and the seal of this court this 19th day of May, 1981.

Seal. SURENDRA PRAKASH.
District Judge, Simla (M. A. C. T.).

NOTICE UNDER ORDER 5 RULE 20 C.P.C.

In the Court of Shri Surendra Prakash, District Judge Simla, Kinnar and Bilaspur Districts at Simla-1

C. M. A. 79-S/14 of 1981

Shri Dila Ram son of Shri Nikka Ram, resident of village Saroga, Pargana Kotgarh, Tehsil Kumarsain, District Simla . . . Appellant.

Versus

Shri Shama Nand and 9 others . . . Respondents.

To

1. Shri Chet Ram son of Shri Sohan Lal, r/o village Saroga, Tehsil Kumarsain, District Simla, H. P.
2. Mst. Paddi daughter of Shri Inder Das resident of village Saroga, Pargana Kotgarh, Tehsil Kumarsain, District Simla, H. P.
3. Shri Nain Sukh (4) Shri Nirpa Ram (5) Shri Ram Kishan and Shri Girdhari Lal sons of Shri Khub Ram, Village Nirsu, Tehsil Rampur, proposed L. R's of Smt. Juri d/o Shri Inder Dass deceased.

Whereas in the above noted Civil Misc. Appeal it has been proved to the satisfaction of this Court that the above named Respondents are evading the service of the summons/notices issued by this Court, and the summons/notices issued against them have been received unserved.

Hence this proclamation is issued against the above named Respondents under order 5 rule 20 C. P. C. requiring them to appear in this Court personally or through authorised agent on 10-7-1981 at 10 A.M. failing which the appeal will be heard and decided *ex parte*.

Given under my hand and the seal of this court this 29th day of May, 1981.

Seal.

SURENDRA PRAKASH.
District Judge, Simla.

In the Court of Shri Surendra Prakash District Judge Simla, Himachal Pradesh

S. A. 20. S/2 of 1980

Shrimati Kankoo widow of Shri Kangroo Ram, resident of Darni Baghicha, Simla-2 . . . Petitioner.

Versus

General public and 5 others . . . Respondents.

Application under Section 372 of the Indian succession Act for the grant of Succession Certificate in respect of the deposit of Shri Kangroo Ram.

To

The general public.

Whereas in the above noted petition the Petitioner has filed a petition for the grant of succession

certificate in respect of the amount deposited by Shri Kangroo Ram in the Post Office.

Notice is hereby given to the general public, relations and kinsman of the deceased that if any body has got any objection for the grant of succession certificate the same be filed in this Court on 7-8-1981 at 10. A. M. failing which the petition shall be heard and decided *ex parte*.

Given under my hand and the seal of this court this 6th day of June, 1981.

Seal.

SURENDRA PRAKASH,
District Judge, Simla.

In the Court of Shri Surendra Prakash, District Judge,
Simla, Himachal Pradesh

G. W. A. 3-S/2 of 1981

Ramesh Chander Bhargava son of Shri Girdhari Lal Bhargava, Bhargava Estate, Tutikandi, Simla . . . Petitioner.

Versus

The general public.

Application under section 8 of the Hindu Minority and Guardianship Act (Act No. 32 of 1956) for the grant of permission to transfer the property of his minor son Sh. Rahul Bhargava.

To

The general public.

Whereas in the above noted petition Shri Ramesh Chander Bhargava has applied for the permission for transferring by the petitioner the property of the minor Rahul Bhargava comprising in Khasra No. 338, 339 and 334/2 measuring 5 biswas situated at Tutikandi Simla.

Notice is hereby given to the general public, relations and kinsman of the minor Rahul Bhargava, that if any body has got any objection for the grant of permission in respect of the above mentioned property in the favour of the petitioner the same may be filed in this Court on 16-7-1981 at 10 A. M. failing which the petition will be heard and decided *ex parte*.

Given under my hand and the seal of this court this 6th day of June, 1981.

Seal.

SURENDRA PRAKASH,
District Judge, Simla.

In the Court of Shri Surendra Prakash, District Judge,
Simla, H. P.

G. W. A. 4-S/2 of 1981

Ramesh Chander Bhargava son of Shri Girdhari Lal Bhargava, Bhargava Estate, Tutikandi, Simla . . . Petitioner.

Versus

The general public and two others . . . Respondent.

Application under Section 8 of the Hindu Minority and Guardianship Act (Act No. 32 of 1956) for the grant of permission to transfer the property of his minor son Shri Rajul Bhargava.

To

The general public.

Whereas in the above noted petition Shri Ramesh Chander Bhargava has applied for the permission for transferring by the petitioner the property of the minor Rajul Bhargava comprising in Khasra No. 335/1, 339 and 335/2 measuring 8 biswas along with the house.

Notice is hereby given to the general public, relations and kinsman of the minor Rajul Bhargava that if any

body has got any objection the same be filed in this court on 16-7-1981 at 10 A. M. failing which the petition shall be heard and decided *ex parte*.

Given under my hand and the seal of this Court this 6th day of June, 1981.

Seal.

SURENDRA PRAKASH,
District Judge, Simla.

In the Court of Shri Surendra Prakash, District Judge,
Simla, Himachal Pradesh

G. W. A. 2-S/2 of 1981

Kala Vati wife of Shri Bija Ram and daughter of Shri, Keshav Ram, resident of village Frud, P. O. Sanjauli Tehsil and District Simla Himachal Pradesh . . . Petitioner.

Versus

Mansa Ram and other

. . . Respondent.

In the matter of guardianship of Devi Saran minor son of Shri Mansa, r/o village Gohara, pargana Neol, Tehsil and District Simla under Section 10 of the Gaurdian and Wads Act, read with Hindu Minority and Gaurdianship Act.

To

The general public.

Whereas in the above noted case the petitioner Smt. Kala Vati has moved an application for the custody of the minor Devi Saran under Section 10 of the Guardian and Wards read with Hindu Minority and Guardianship Act.

Notice is hereby given to the general public, relations and kinsmen of the petitioner if any body has got any objection for the custody of minor Devi Saran in favour of Smt. Kala Vati the same be filed in the Court on 9-7-1981 at 10 A. M. failing which the petition shall be heard and decided *ex parte*.

Given under my hand and the seal of this court this 6th day of June 1981.

Seal.

SURENDRA PRAKASH,
District Judge, Simla.

In the Court of Shri R. L. Khurana, Addl. District Judge, Simla

Civil Case No. 82-S/13 of 1981

In case of Sh. Raja Dalip Singh son of Sh. Rana Hira Singh, r/o Village Halog, Pargana Dhamer, Teh. & Distt. Simla. . . Appellant.

Versus

S/ Sh. 1. Brij Mohan, 2. Diwadar, 3. Jagdish Chand 4. Ramesh Chand sons of Shri Hari Dutt, resident of village Halog, Pargana Dhamor, Teh. & Distt. Simla. . . Respondents.

To

Shri Diwakar, s/o Sh. Hari Dutt, r/o Village Halog, Pargana Dhamor, Tehsil & Distt. Simla.

Whereas in the above noted case it has been proved to the satisfaction of this court that the above named defendant is evading the service of summons and cannot be served in the normal course of service. Hence this proclamation is hereby issued against him to appear in this court on the date fixed for hearing i. e. 26-6-1981 at 10 A. M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against him.

Given under my hand and the seal of this Court this 23rd day of May, 1981.

Seal.

R. L. KHURANA,
Additional District Judge,
Simla Division.

In the Court of Shri R. L. Khurana, Addl. District Judge, Simla

Civil Appeal No. 79-S/13 of 1981

Moti Singh Vs. Gopi Chand

To

1. Smt. Devku wd/o Sangat Ram 2. Smt. Ram Devi wd/o Sangat Ram 3. Surinder Singh 4. Yashwant Singh ss/o Sangat Ram 5. Km. Premi 6. Kumari Kanto. 7. Km. Asha. 8. Km. Maneeds/o Sangat Ram through Smt. Ram Devi 9. Mangat Ram s/o Umed Singh 10. Smt. Soda wd/o Sunder Singh 11. Hari Singh 12. Joban Dass 13. Chhaju Ram 14. Hira Singh 15. Bhagat Ram ss/o Sania 16. Smt. Kidari 17. Smt. Taradevi ds/o Sania 18. Shri Sunder Singh s/o Gulab Singh 19. Megh Ram s/o Dhirju all r/o Kedi, Pargana Peontra, Teh. Chopal, Distt. Simla, H.P. 20. Nikka Ram 21. Moti Ram 22. Sukh Ram 23. Shobh Ram ss/o Balia all r/o of Chak Shakrana, Village Nakora, Pargana Peontra, Teh. Chopal 24. Smt. Manti wd/o Chanjar, vill. Shargul, Dhar, Teh. Chopal. 25. Shangru s/o Dhannu 26. Bhindru s/o Ghadi 27. Kesru s/o Ghadi 28. Smt. Jhingi d/o Ghaidi all rs/o vill. Shargul Dhar, Teh. Chopal, District Simla 29. Smt. Janku d/o Ghaidi 30. Sh. Dhangu s/o Chenchru 31. Talab Teen s/o Ashraf Deen rs/o vill. Shargul Dhar, Teh. Chopal, Distt. Simla 32. Sh. Gulab Singh s/o Budh Singh 33. Nur Mohammad s/o Sardula rs/o Village Kiarla, Tehsil Chopal 34. Smt. Uttmu wd/o Gangia 35. Smt. Kaki d/o Gangia 36. Sh. Bishnu s/o Malu 37. Shandru s/o Sadh 38. Mangat Ram s/o Umed Singh all rs/o Village Nakora, Tehsil Chopal District Simla . . . Plaintiffs-Respondents.

39. Ganga Ram s/o Ram Sahai 40. Kirpa Ram s/o Kalia 41. Dhan Singh s/o Premu all rs/o Village Puuarlli, P. O. Kedi, Pargana Peontra, Tehsil Chopal, District Simla H. P. Pro.-Respondents.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the above named defendants are evading the service of the summons and cannot be served in the normal course of service. Hence this proclamation is hereby issued against them to appear in this court on the date fixed for hearing i. e. 25th day of June, 1981 at 10.00 A. M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against them.

Given under my hand and the seal of this Court this 22nd day of May, 1981.

Seal.

R. L. KHURANA,
Addl. District Judge,
Simla Division.

PROCLAMATION UNDER ORDER 5 RULE 20 C. P. C.

In the Court of Shri Surjit Singh, Senior Sub-Judge, Una

OBJECTION APPLICATION NO. 11 OF 78

Malkiat Singh Vs. Dan Pat Rai
Versus:

Naranjan Singh s/o Karam Singh, Caste Bahti, Village Bedchar, Tehsil and District Una

. . . Action Purchase.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above named defendant cannot be served through an ordinary course of service, hence this publication under order 5 rule 20 C. P. C. is hereby issued against him requiring him to appear in this court on 27-6-81 at 10 A. M. personally or through an advocate to defend the case,

failing which *ex parte* proceedings shall be taken against him.

Given under my hand and the seal of the Court this 20th day of May, 1981.

Seal.

SURJIT SINGH,
Senior Sub-Judge,
Una, District Una.

PROCLAMATION UNDER ORDER 5, RULE 20
C. P. C.

In the Court of Shri Surjit Singh, Senior Sub-Judge, Una

Civil Suit No. 271 of 80

Brahma Nand Versus Jagdish Ram etc.

Versus: Jagdish Ram s/o Shri Haram Dass caste Brahman, r/o Behdala District Una . . . Defendant.

Harhbans Lal s/o Thakar Dass, Caste Brahman r/o Behdata, Tehsil Una . . . Performa Deftd.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above named defendants cannot be served through an ordinary course of service, hence this publication under Order 5 rule, 20 C. P. C. is hereby issued against them requiring them to appear in this Court on 20-8-81 at 10 A. M. personally or through an advocate to defend the case, failing which *ex parte* proceedings shall be taken against them.

Given under my hand and the seal of the Court this 28th day of May, 1981.

SURJIT SINGH.

Seal. Senior Sub-Judge, Una District.

In the Court of Sh. M. R. Chauhan, Subordinate Judge, 1st Class, Ghumarwin, District Bilaspur, Himachal Pradesh

Civil Suit No. 83/1 of 4-6-1979

Bhagwana s/o Shri Nihala s/o Sardar, r/o Village Hatwar, Pargana Ajmerpur, Tehsil Gumarwin, District Bilaspur H. P. Plaintiff.

vs.

Sunder s/o Shri Nanak, Caste Rajput r/o Village Hatwar, pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur H. P. Defendant.

Suit for Declaration

To

1. Anant Ram 2. Tulsi ss/o Shri Nihala, 3. Dilla Ram s/o Shri Sihnu r/o Vill. Hatpur, Pr. Ajmerpur, Tehsil Ghumarwin, Distt. Bilaspur, H. P. Defendants.

Whereas in the above noted case, it has been proved to the satisfaction of this Court that the above noted defendants are evading the service of the summons and they cannot be served in the normal course of service.

Hence this proclamation is hereby issued against them to appear in this court on 30. 6. 1981 at 10 A. M. personally or through an authorised agent or pleader to defend the case failing which an *ex parte* proceedings will be taken against them.

Given under my hand and the seal of this Court to-day this 20th May, 1981.

Seal.

M. R. CHAUHAN,
Subordinate Judge 1st Class,
Ghumarwin District Bilaspur.

इश्तहार जेर आर्डर 5 रुप 20 C.P.C.

अज कार्यालय कृपाल चन्द वर्मा, उप-मण्डल कुलैंक्टर, तहसील करमांग

मिसल नं. 4 अपील इलाकाल

1. नोंबर पुत्र किरत, 2. ठाकुर दत्त पुत्र शेखर, 3. मु. कूवत्रा देवी पुत्री किरत, निवासी धरमोड़, इलाका जनवी पांगना, तहसील करमांग, जिला मण्डी

अपीलालन

वनाम

1. मुकन्द लाल पुत्र वल्मी, 2. दिवाकर पुत्र वनाम, 3. जीवा नन्द पुत्र वल्मी, निवासी कट्टाना, इलाका लोयर करमांग, 4. मु. कूला वनी पुत्री खेम राज, 5. खेम राज, 6. गंगाल दास पुत्र अमृक देवी पुत्री किरत, निवासी ममल, 7. हरी मरन, 8. हरी राम, 9. नेतर, सिंह पुत्र अश्रु देवी, 10. अश्रु देवी, 11. शकुल्लाला देवी पुत्री हिमा देवी, 12. हिमा देवी विश्वाश शेखर, निवासी धरमोड़, इलाका जामानी पांगना, तहसील करमांग, 13. दमपती, 14. विद्या, 15. उकर्मी, 16. जयवन्ती, 17. जयवन्ती पुत्रीयान वल्मी, निवासी जिगल, इलाका मुहाल, तहसील करमांग, जिला मण्डी 18. करीकोम रिस्पॉइन्ट

अपील जेर धारा 14, H.P.L.R.A.

उपरोक्त मुकदमा में उनवानवाला में रिस्पॉइन्ट नं. 6 गंगाल दास पुत्र अमृक देवी, निवासी ममल तथा नं. 11. शकुल्लाला देवी पुत्री हिमा देवी, निवासी धरमोड़, नं. 13. मु. दयावनी, नं. 14. मु. विद्या 15. मु. उकर्मी, नं. 16. मु. जयवन्ती, नं. 17. मु. जयवन्ती पुत्री-याला वल्मी, निवासी जिगल इलाका रैहासी, तहसील करमांग, जिला मण्डी के कई वार अदालत हजा से समनान जारी किय गये। परन्तु उपरोक्त फरीकोम तामील समन से गुरेज कर रहे हैं। अदालत हजा को पूर्ण विवास हो चुका है। कि फरीकोम पर तामील समन साधारण तरीके से होना कठिन है। अतः वजरिया इश्तहार फरीकोम को सूचित किया जाता है। कि वे वर्ज जवाब देही मुकदमा तिथि 26-6-81 को समय 10 बजे सुबह करमांग हाजर होकर जवाब देही करें। व सुरत दीपर कार्यावाही एक तरफा अमल में लाई जावेगी।

आज व तारीख 24-4-81 मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

कृपाल चन्द वर्मा,
उप-मण्डल कुलैंक्टर, करमांग।

न्यायालय श्री भगवान मिह वैद्य, समाहर्ता, नालागढ़, जिला सोलन, हिमाचल प्रदेश

(इश्तहार जेर आर्डर 5, रुप 20 जावता दीवानी)

जिवन पुत्र हरनामू निवासी ग्राम किरपाल पुर, परगना व तहसील नालागढ़ पुनरावेदक

वनाम

(1) श्री हवेली राम पुत्र नत्यु, } निवासी ग्राम किरपाल पुर,
(2) श्री प्रीतम सिंह पुत्र किशन सिंह } परगना व तहसील नालागढ़ प्रतिवादी गण,

पुनरावेदन विरुद्ध आदेश 20-3-1981 सहायक समाहर्ता द्वितीय श्रेणी नालागढ़, जिसके अनुसार इनकाल नं 0 275 मौजा किरपालपुर, अस्वीकृत किया गया।

हरयाह मुकदमा उनवानवाला में उपरोक्त 'प्रतिवादीगण' को वजरिया समन तलव किया गया परन्तु तामील समन नं 0 हो सकी और इस न्यायालय को भी पूर्ण विवास हो गया है कि उन पर आसान तरीका से तामील होना असम्भव है।

अतः प्रतिवादीगण को वजरिया इश्तहार अखबारी सूचित किया जाता है कि वह जहां कहीं भी हो दिनांक 24-6-1981 को वक्त 10 बजे सुबह असलातन या वकालतन इस न्यायालय में उपस्थित आकर पैरदी मुकदमा करें अन्यथा उनके विरुद्ध कार्रवाई यकतरफा अमल में लाई जावेगी।

आज दिनांक 21 मई, 1981 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

भगवान मिह,
समाहर्ता, नालागढ़, जिला सोलन।

ब्राह्मदालत श्री चेत्राम कोटवाल, तहसीलदार व अधिकारी सहायक समाहर्ता, द्वितीय श्रेणी वडमर, जिला हमीरपुर

मुहूर वनाम कमला देवी वर्ग

उनवान:—दरखास्त वराये दस्ती इन्द्राज कागजात माल याता नं 0 7 यत्नी नम्बर 13-14 ब्रमण नम्बर 166/9-166/9 मिति-168/10 किता 3 रुक्ता 4 करो 19 मो अनुसार जमावनी 1975-76 वाक्या दिक्षा तरंडाल, तथा बनी, तहसील वडमर।

नोटिस वनाम:—कमला देवी जोजा चमत लाल टीका मैट तथा महवता हाल अबाद टिका टिक्कर वर्त्ता तथा बनी, तहसील वडमर, ज्यामा पुत्र देविया वामी टिक्कर वर्त्ता, नया बनी, तहसील वडमर, जिला हमीरपुर, फरीकोदयम।

उपरोक्त उनवान वाक्या में फरीक दोषम को कई बार समन जारी किये गये थे मगर हाजिर अदालत न आ रहे हैं। अदालत को विवास हो चुका है कि इनकी इत्तलाहा साधारण तरीके से नहीं हो सकती है। इसलिये इस इश्तहार द्वारा मुचित किया जाता है कि वह उपरोक्त मुकदमा में हमारे न्यायालय में असलातन या वकालतन मिति 3-7-1981 को सुवह 10 बजे हाजिर आवें अन्यथा यक तरफा कार्यावाही अमल में लाई जावेगी।

आज दिनांक 3-6-1981 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

चेत्राम कोटवाल,
महायक समाहर्ता, द्वितीय श्रेणी वडमर,
जिला हमीरपुर।

ब्राह्मदालत श्री चेत्राम कोटवाल, तहसीलदार व अधिकारी सहायक समाहर्ता, प्रथम श्रेणी, वडमर, जिला हमीरपुर

हरी राम वनाम रुप

उनवान:—दरखास्त तक्षीम भूमी खाता नं 0 20 यत्नी नम्बर 103-104 ब्रमण नम्बर 961-970-963 किता 3 रुक्ता वकदर 33 करो 7 मो अनुसार जमावनी 1978-79 वाक्या टिका कमवाड़ तथा बनी तहसील वडमर, जिला हमीरपुर।

नोटिस वनाम:—रन्दू पुत्र नन्द, सीता देवी बेवा वस्तन राम, श्रोम प्रकाश, मुहायक चन्द पिसरान नवालग दस्तन राम वलि नीता देसी, बाबू राम पुत्र रामा व्यासा देवी जोजा शक्ति चन्द, प्रकाशो, जोजा तुलसी, महूडी जोजा हरीराम, मालिग्राम पुत्र तुलसी, जिगन चन्द, रन्द चन्द, आमी रथ, धनपत राम, हेम राम पिसरान खजाना, धर्म मिह, पुत्र वर्मी, लच्छपाल पुत्र ज्यामा जेड पुत्र ज्यामा, तुलसी राम, हर्मचन्द पिसरान सिन्दु अमर नाथ, पाधु राम, विजन दास पिसरान चन्द तुलसी बेवा चन्द, लिया उर्फ़ पुन्न पुत्र धनिया, रोजन देवी पुत्री रोजन नाल पुत्र नवालगान पुत्र सलिया उर्फ़ पुन्न वलि, प्रकाश चन्द पुत्र मन्त राम, बाबू राम पुत्र गज, साकानान टिका कमवाड़, तथा बनी, तहसील वडमर, जिला हमीरपुर, फरीकोदयम।

उपरोक्त उनवान वाक्या में फरीक दोषम को कई बार समन जारी किये गये मगर वह हाजिर अदालत नहीं आ रहे हैं। अदालत को विवास हो चुका है कि इनकी इत्तलाहा साधारण तरीका में नहीं हो सकती है। इसलिये इश्तहार द्वारा उन्हें सूचित किया जाता है कि वह हमारी अदालत में मिति 1-क 1981 को सुवह 10 बजे असलातन या वकालतन हाजिर आवें अन्यथा कार्यावाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 1-6-1981 हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

चेत्राम कोटवाल,
सहायक समाहर्ता, प्रथम श्रेणी, वडमर,
जिला हमीरपुर।

ब्रह्मदालत श्री चेतनराम कोटवाल, तहसीलदार ब्रह्मक्षत्यारात महायक समाहर्ता, प्रथम श्रेणी, बड़मर, जिला हमीरपुर

उनवान: बरकी बनाम रजा देवी बर्गेरा
दरखास्त बराये तकसीम भसी खाता नं 0 14 खतौनी नं 0 27, 28, 29, खसरा नम्बरान 101, 328, 193, 301, 76, 407/81, 129, 141, 175, 398/192, 198, 327, 406/81, 152, 170, 408/81, 181, 303, 314 किंता 19 रकवा 46 कताल 11 मरला ग्राम देसन तपा गार्ली, तहसील बड़मर।

नोटिस बनाम: रजा देवी देवा कुण्ड चन्द, अजीत सिंह, शक्ति चन्द, मुकुर करा, कौशल्या देवी, सोमा देवी, दुखवान कुण्डी देवी, रमेश चन्द, प्रजोत्तम चन्द, सुपुत्र गोशनी देवी, मत्या देवी, दुखवान मेघा, साकन देसन, तपा गार्ली, तहसील बड़मर, जिला हमीरपुर करीक दोयम।

उपरोक्त उनवान वाला में करीक दोयम को कई बार समन जारी किये गए थाएँ वह हाजिर ब्रह्मदालत आने में टाल मटोल कर रहे हैं। ब्रह्मदालत को विश्वास हो गया है कि इनकी इतला साधारण तरीके से नहीं हो सकती है इसलिये इस इन्हारा द्वारा सूचित किया जाता है कि वह बराये पैरवी मुकदमा हमारे न्यायालय हजा में दिनांक 2-7-1981 को सुनव दस बजे हाजिर आवें। अन्यथा कार्यवाही यक्तरफा अमल में लाई जावेगी।

आज दिनांक 2-6-1981 को हमारे हस्ताक्षर व मोहर ब्रह्मदालत में जारी हुआ।

माहर।

चेत राम कोटवाल,
महायक समाहर्ता, प्रथम श्रेणी, बड़मर,
जिला हमीरपुर।

ब्रह्मदालत श्री चेत राम कोटवाल, तहसीलदार ब्रह्मक्षत्यारात महायक समाहर्ता, प्रथम श्रेणी बड़मर, जिला हमीरपुर, हिमाचल प्रदेश

नन्द बनाम भागवन्ती बर्गेरा

उनवान: दरखास्त बराये तकसीम भसी खाता नं 0 25 खतौनी नं 0 38, 39, 40, 41, 42, 43, 44 खसरा नं 0 152, 1160/983, 1024/64, 1035/615, 1037/616, 1075/576, 1161/983, 1074/576, 987/124, 998/277, 297, 1003/338, 655, 693, 696, 787, 824, 63, 257, 1004/338, 982/83, 984/83, 988/124, 148, 165, 999/277, 296, 324, 335, 464, 497, 1025/611, 1036/616, 1038/616, 963, 695 किंता 35 रकवा 82 क ० स्थित ग्राम ममनोटी, तपा दंतवाल जमा बन्दी 1972-73।

नोटिस बनाम: भागवन्ती जोजा जै राम, जानो देवी, जोजा स्वालू, अमल राम, ब्रह्म दास, राम चन्द, सुपुत्र गड़का, हरदत, मिनाराम, गढ़ी राम, हाकम सुपुत्र ज्यामा, कौल चन्द, नन्द नाल, धारी रथ, सुपुत्र कुण्डल्या देवी दुखवान नामक देवी देवा-नरजन पिसर राम रखी ब्रह्मकारी देवी, दुखवान चंडी दास, भगत राम, परम राम, दीना नाथ, सुपुत्र अभकरण, बलदेव लक्ष्मण दास पुत्र राम, प्रेम लाल बलदेव राज सुपुत्र राम मरन, साकन टिका ब्राह्मणी, तपा बनी, तहसील बड़मर।

उपरोक्त उनवान वाला में करीक दोयम को कई बार समन जारी किये गए। मगर वह हाजिर ब्रह्मदालत आने में टाल मटोल कर रहे हैं। ब्रह्मदालत को विश्वास हो गया है कि इनकी इतला साधारण तरीका में नहीं हो सकती है इसलिये इनको इन्हारा द्वारा सूचित किया जाता है कि बराये पैरवी मुकदमा हमारे न्यायालय हजा में दिनांक 4-7-1981 को सुनव दस बजे हाजिर आवें। अन्यथा कार्यवाही यक्तरफा अमल में लाई जावेगी।

आज दिनांक 4-6-1981 को हमारे हस्ताक्षर व मोहर ब्रह्मदालत से जारी हुआ।

चेत राम कोटवाल,
महायक समाहर्ता, प्रथम श्रेणी, बड़मर,
जिला हमीरपुर।

ब्रह्मदालत श्री चेत राम कोटवाल तहसीलदार व अक्षयारात महायक समाहर्ता, प्रथम श्रेणी, बड़मर, जिला हमीरपुर, हिमाचल प्रदेश

बरकी बनाम प्रभी बर्गेरा

उनवान: दरखास्त बराये तकसीम भसी खाता नं 0 13 खतौनी नम्बर 25-26 खसरा नं 0 156-172-329 किंता 3 रकवा 1 9 कताल मरला जमई 0.26 स्थित ग्राम देसन तपा गार्ली, तहसील बड़मर।

नोटिस बनाम: प्रभी बेवा ज्ञान सिंह, अजें सिंह सुपुत्र चौधरी, रजा देवी, कुण्ड चन्द, अजीत सिंह, शक्ति चन्द, सुपुत्र लखा, कौशल्या-देवी सोमा देवी, दुखवान लखा, कुण्डी बेवा रमेश चन्द, प्रशोत्तम चन्द, सुपुत्र रोशनी देवी, मत्यादेवी दुखवान मेघा, साकन देसन, तपा गार्ली।

उपरोक्त उनवान वाला में करीक दोयम को कई बार समन जारी किये गए। मगर वह हाजिर ब्रह्मदालत आने में टाल मटोल कर रहे हैं। ब्रह्मदालत को विश्वास हो गया है कि इनकी इतला साधारण तरीका में नहीं हो सकती है इसलिए इनको इन्हारा द्वारा सूचित किया जाता है कि बराये पैरवी मुकदमा हमारे न्यायालय हजा में दिनांक 2-7-1981 को सुनव दस बजे हाजिर आवें अन्यथा कार्यवाही यक्तरफा अमल में लाई जाएगी।

आज दिनांक 2-6-1981 को हमारे हस्ताक्षर व मोहर ब्रह्मदालत से जारी हुआ।

मोहर।

चेत राम कोटवाल,
महायक समाहर्ता, प्रथम श्रेणी, बड़मर,
हमीरपुर।

ब्रह्मदालत श्री चेत राम कोटवाल, तहसीलदार ब्रह्मक्षत्यारात महायक समाहर्ता, प्रथम श्रेणी, बड़मर, जिला हमीरपुर, हिमाचल प्रदेश

नन्द बनाम भागवन्ती बर्गेरा

उनवान: दरखास्त बराये तकसीम खाता नं 0 30 खतौनी नं 0 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, खसरा नं 0 991/150, 578-1026/615 822, 1044/1871, 1 51/937, 974, 1006/397, 1005/606, 1019/606, 1022/606, 1033/615, 1068/387, 1048/899, 1047/899, 1049/899

361, 1042/810, 166, 339, 1069/357, 1005/397, 496, 1014/606, 1021/606, 1023/606 1029/605, 1043/810, 883, 1050/937, 1057/937, 903, 993/151, 997/202 493, 1011/546, 1013/577, 1017/606, 1027/615, 1030/615, 1046/899, 1052/937, 1056/957, 1041/810, 992/151, 343, 1016/606, 1028/615, 1031/615, 1045/871, 881, 1009/546, 1054/937, 973, 1012/577, 1114, 115, 334, 473, 476, 1010/546, 1018/606, 1020/606, 1032/615, 1034/615, 1053/937, 1055/937, किंता 67 रकवा 79 क ० ९ म० टिका ममनोटी तपा, इडाल जमा बन्दी 1972-73।

नोटिस बनाम: भागवन्ती, जोजा जै राम, जानो देवी, जोजा स्वालू, भविता बेवा शम्भू राम, रमेश चन्द, अशोक कुमार,

कान्ता देवी, दुखनर नुनमी, दया गम पुत्र शिंद, धनी गम, किशन दयाल सुपुत्र इश्वर दाम, प्रेम लाल वलदेव मुमुक्षु राम मरण पीहलो पुत्र सीढ़, कील चन्द, नन्द लाल, भागी रथ, मुमुक्षु कील देवी दुखनर नरजन मुमुक्षु गम गवी वलकारी देवी, दुखनर नाना चन्दी दाम नाजकु देवी बैदा शाईया, हरिचन्द्र पुत्र दानो, कण्ठीर चन्द्र, मुमुक्षु देव मपुत्र गुजां जानकी देवी, दुखनर, कैमरी देवी बैदा बुंगर गली देवी जोना पथी, रन्ना देवी, गली देवी, कान्ता देवी, गोविन्द दुड़िया, काणी मुमुक्षु मरथा छापीया पुत्र मरथा, कम चन्द, सम्मा गम, नन्दमण पुत्र गण माकनान समनोटी, नपा डटावा।

उपरोक्त उनवान वाला में फरीक दोयाम को कह वार समन जारी किये गए। मार्ग वह हाजिर अदालत आने में टाल-मटोंग कर रहे हैं। अदालत को विश्वास हो गया है कि इनके इनला साधारण तरीके में नहीं हो सकती है। इसलिंग इनको इनको द्वारा मूलित किया जाना है कि वह वराये पैरेंटी मुकदमा हमारे न्यायालय हजा में दिनांक 4-7-1981 को मुद्रह दस बजे हार्डिंग आवें। अन्यथा कार्यवाही यक्तिरका ग्रस्त में लाई जाएगी।

आज दिनांक 4-6-1981 को हमारे हम्मेशर व मोहर अदालत में जारी हुआ।

मोहर।

चंत गम कोतवाल,
नहायक समाहर्ता, प्रथम थ्रेपी,
बड़मर, जिला हमीरपुर।

In the Court of Shri O. P. Sharma, Senior Sub-Judge, Simla, H. P. (Exercising the Powers of the District Judge, under the Indian Lunacy Act, 1912).

CASE NO. 3/2 OF 1980

Miss Kamlesh Khanna daughter of Shri Hans Raj Khanna, resident of House No. 9, Alley No. 12, Kashmiri Mohalla, Simla. .Petitioner.

Versus

General public and two others . . . Respondents.

Application u/s 71 of the Indian Lunacy Act, 1912, for appointment of the Petitioner as Manager of the Estate of Shri Vinod Kumar Lunatic.

To
The general public.

Whereas in the above noted petition the petitioner (Miss Kamlesh Khanna) daughter of Shri Hans Raj Khanna has moved an application under section 71 of the Indian Lunacy Act, 1912, for the appointment of the petitioner as Manager of the Estate of Shri Vinod Kumar Khanna, Lunatic in this Court.

Notice is hereby given to the general public, relations and kinsman of the said Vinod Kumar Khanna Lunatic, that if any body has got any objection for the appointment of petitioner as Manager of the Estate of Shri Vinod Kumar Khanna Lunatic, the same be filed in this court on 7-7-1981 at 10. A. M. failing which the petition shall be heard and decided *ex parte*.

Given under my hand and the seal of this court this 4th day of June, 1981.

Seal.

O. P. SHARMA,
Senior Sub-Judge, Simla.

PROCLAMATION UNDER ORDER 5, RULE 20
C. P. C.

Before the Collector Shri T. C. Janartha, at Kandaghat, District Solan, H. P.

Revenue appeal No. 10/80, titled as Balbir Singh etc. v/s Partap Singh etc. in respect of land situated in village

Kashmari, Pargana Bharoli, Tehsil Kandaghat, District Solan, H. P.

Notice to:

1. Smt. Lila Wati widow of Bhagwan Singh, resident of village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan.

2. Sh. Jaswant Singh son of Sh. Jai Ram, resident of village Tikkar, Tehsil Kandaghat, District Solan, H. P.

3. Sh. Davinder Singh son of Sh. Jai Ram, resident of village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan, H. P.

4. Sh. Beli Ram Lambardar, son of Sh. Basti Ram, resident of village Tikkar, Pargana Bharoli, Tehsil Kandaghat.

5. Sh. Padam Singh son of Sh. Nikka Ram of village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan, H. P.

6. Shri Gopal Singh Commercial Institute No. 13, South Market, Kidwai Nagar, New Delhi.

. . . Respondents.

Whereas in the above noted case summons to all the above respondents shown at Sr. No. 1 to 6, have been issued several times from this Court but all have been received unserved with the report that they are evading the service of the summons and the Court is satisfied that the service upon these respondents cannot be effected in ordinary way, hence this proclamation is issued against them with the directions that they should appear in this Court on 21-7-1981 at 10 A. M. personally or through counsel to defend the case. In case of absence, the case will be heard *ex parte*.

Given under my hand and the seal of the Court this 31st day of March, 1981.

Seal.

T. C. JANARTHA,
Collector, Kandaghat.

PROCLAMATION UNDER ORDER 5, RULE 20,
C. P. C.

Before the Collector Shri T. C. Janartha at Kandaghat, District Solan, H. P.

Revenue Appeal No. 11/80, titled as Balbir Singh etc. v/s Partap Singh etc. in respect of land situated in village Banota, Tehsil Kandaghat, Distt. Solan, H. P.

Notice to:

1. Smt. Lila Wati widow of Shri Bhagwan Singh, resident of village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan.

2. Sh. Davinder Singh son of Jai Ram, Driver P. W. D. Workshop Tara-Devi, Himachal Pradesh.

3. Sh. Jaswant Singh son of Jai Ram, Postman, Post Office Secretariat, H. P. Simla-2.

4. Sh. Padam Singh son of Shri Nikka Ram, village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan, H. P.

5. Shri Beli Ram Lambardar, son of Sh. Basti Ram of village Kanjiyara, Bhoj Kanjiyara, Tehsil Kasauli, Distt. Solan.

6. Shri Gopal Singh Kashyap son of Sh. Shiv Ram, Commercial Institute No. 13 South Market, Kidwai, Nagar, New Delhi-23.

7. Shri Amer Singh adopted son of Sh. Sehaj Ram, resident of village Anji-Brahmna, Tehsil Kandaghat, Distt. Solan.

8. Smt. Shiv Devi widow of Sehaj Ram of village Anji-Brahmna, Tehsil Kandaghat, District Solan.

9. Shri Ratti Ram son of Sh. Ganeshu, resident of village Chjond, Pargana Bharoli, Tehsil Kandaghat, Distt. Solan.

. . . Respondents.

Whereas in the above noted case summons to all the above respondents shown at Sr. No. 1 to 9 have been issued

several times from this Court but all have been received unserved with the report that they are evading the service of the summons and the Court is satisfied that the service upon these respondents cannot be effected in ordinary way, hence this proclamation is issued against them with the directions that they should appear in this Court on 21-7-81 at 10 A. M. personally or through counsel to defend the case, in case of absence, the case will be heard *ex parte*.

Given under my hand and the seal of this Court this 31st day of March, 1981.

T. C. JANARTHA.
Collector, Kandaghat.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

Before the Collector, Shri T. C. Janartha at Kandaghat Solan (Himachal Pradesh)

Revenue Appeal No. 12/80: Titled as Balbir Singh, etc. v/s Partap Singh, etc., in respect of land situated in village Kot, Tehsil Kandaghat, District Solan. H.P.

Notice to :

1. Smt. Lila Wati widow of Shri Bhagwan Singh, resident of Village Tikkar, Tehsil Kandaghat.
2. Jaswant Singh son of Jai Ram of village Tikkar, Tehsil Kandaghat.
3. Shri Davinder Singh son of Shri Jai Ram r/o Tikkar, Tehsil Kandaghat.
4. Shri Padam Singh son of Shri Nikka Ram, r/o Tikkar, Tehsil Kandaghat.
5. Shri Beli Ram Lambardar son of Shri Basti Ram, resident of village Kaniyara, Bhoj Kanjiyara, Tehsil Kasauli, District Solan.
6. Shri Narain Singh son of Shri Shiv Ram, r/o village Banota, Tehsil Kandaghat, District Solan. H.P.
7. Shri Gopal Singh son of Shri Shiv Ram, Commercial Institute No. 13 South Market Kidwai Nagar, New Delhi.
8. Shri Bijay Singh son of Nathu of village Jeol, Pargana Beja, Tehsil Kasauli. H.P.
9. Smt. Naraini widow of Nathu of village Jeol, Pargana Beja, Tehsil Kasauli, District Solan.
10. Shri Mehar Singh son of Diwan Singh, r/o village Kot, Tehsil Kandaghat, District Solan.
11. Shri Durga Singh son of Devi Singh *alias* Gian Singh, r/o village Banota, Tehsil Kandaghat, District Solan.
12. Shri Bhup Singh son of Devi Singh *alias* Gian Singh, resident of village Banota, Tehsil Kandaghat, District Solan.
13. Shri Sher Singh son of Mehtab Singh, r/o village Kot, Tehsil Kandaghat, self as well as legal heir of Smt. Janki Devi deceased wd/o Mehtab Singh, r/o village Kot, Tehsil Kandaghat, District Solan.
14. Smt. Nanku Devi d/o Mehtab Singh presently wife of Kundan Singh, r/o village Bacooni, Tehsil Sunni, District Simla self as well as legal heir of Smt. Janki Devi deceased wd/o Mehtab Singh.
15. Smt. Sanehru Devi wd/o Shaktu, r/o village Thandoot, Pargana Kshaula, Tehsil and District Simla, H.P.
16. Shri Khagtu son of Nathu Ram of village Kot, Tehsil Kandaghat, District Solan, H.P.
17. Smt. Kunni Devi d/o Durgi Devi deceased, presently wife of Kanshi Ram of village Roppra, Pargana Mailli, Tehsil and District Simla.
18. Jitoo son of Almoo of village Kot, Tehsil Kandaghat, District Solan, H.P.
19. Ruppo son of Almu of village Kot, Pargana Bharoli, Tehsil Kandaghat, District Solan.
20. Chetia son of Almoo of Village Kot Pargana Bharoli, Tehsil Kandaghat, District Solan.

21. Shri Keswa Ram son of Luroo of village Rudila, Pargana Bharoli, Tehsil Kandaghat, District Solan.
22. Bhat Ram son of Luroo of village Rudila, Pargana Bharoli, Tehsil Kandaghat, District Solan.
23. Parbhati Singh son of Ganga Ram, r/o village Lohara, Pargana Bharoli, Tehsil Kandaghat, District Solan, H.P.
24. Durga Singh son of Devi Singh of village Banota, Pargana Bharoli, Tehsil Kandaghat District Solan.
25. Shri Bhup Singh son of Devi Singh resident of village Banota, Tehsil Kandaghat, District Solan., H. P.

Respondents.

Whereas in the above noted case summons to all the respondents from Sr. No. 1 to 25 have been issued several times from this Court but all have been received unserved with the report that they are evading the service of the summonses and the Court is satisfied that the service upon these respondents cannot be effected in ordinary way, hence this proclamation is issued against them with the directions that they should appear in this Court on 21-7-1981 at 10 A. M. personally or through counsel to defend the case. In case of absence the case will be heard *ex parte*.

Given under my hand and the seal of this Court this 31st day of March, 1981.

T. C. JANARTHA,
Collector, Kandaghat.

Seal.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.

Before the Collector, Shri T. C. Janartha at Kandaghat District Solan, H.P.

Revenue Appeal No. 13/80 titled as Balbir Singh etc., v/s Partap Singh, etc. in respect of land situated in village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan. H.P.

Notice to :

1. Smt. Lilawati widow of Shri Bhagwan Singh r/o Village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan.
2. Shri Jaswant Singh s/o Jai Ram, r/o Village Tikkar, Tehsil Kandaghat, Pargana Bharoli District Solan.
3. Shri Davinder Singh, s/o Jai Ram, r/o village Tikkar, Pargana Bharoli, Tehsil Kandaghat, District Solan, Himachal Pradesh.
4. Shri Padam Singh s/o Nikka Ram r/o Village Tikkar, Tehsil Kandaghat, District Solan.
5. Shri Beli Ram Lambardar, r/o Village Kanjiyara, Bhoj Kanjiyara, Tehsil Kasauli, District Solan, H.P.
6. Capt. A.D. Wood Shaib, resident of Village Tikkar, Tehsil Kandaghat, District Solan, H.P.
7. Shri Gopal Singh son of Shri Shiv Ram, Commercial Institute No. 13 South Market, Kidwai Nagar, New Delhi-23.
8. Smt. Janki Devi widow of Taru r/o village Kadaur, Pargana Bharoli, Tehsil Kandaghat, District Solan, H.P.
9. Shri Jagat Ram son of Taru r/o Village Kadaur, Tehsil Kandaghat District Solan.
10. Shri Nandu son of Taru r/o Village Kadaur, Tehsil Kandaghat.
11. Shri Sita Ram s/o Taru, r/o Village Kadaur, Tehsil Kandaghat.
12. Shri Ram Lal
13. Deep Ram, minor sons of Taru, under the guardianship of his mother Smt. Janki, r/o village Kadaur, Tehsil Kandaghat, District Solan, H.P.
14. Smt. Bati Devi daughter of Taru, presently wife of Shri Sant Ram, resident of village Bisha, Tehsil Kandaghat.
15. Smt. Daropty Devi daughter of Taru presently wife of Dila Ram, resident of village Malga, Tehsil Kandaghat.
16. Shri Bhagat Ram son of Gorkhia, resident of village Ghori, Tehsil Kandaghat, District Solan, H.P.

Respondents.

Whereas in the above noted case summons to all the above respondents shown at Serial No. 1 to 16, have been issued several times from this Court but all have been received unserved with the report that they are evading the service of the summons and the Court is satisfied that the service upon these respondents cannot be effected in

ordinary way, hence this proclamation is issued against them with the directions that they should appear in this Court on 21-7-1981 at 10 A.M. personally or through counsel to defend the case. In case of absence, the case will be heard *ex parte*.

Given under my hand and the seal of this Court this 31st day of March, 1981.

T. C. JANARTHA,
Collector, Kandaghat.

Seal.

ब्रह्मदालत जनाब श्री जगत मिशन जमवाल, महायक कुलकट्ट, दिनीय थेणी, तहसील करमोग

मिसन नं 0 8 नारोड मरजुआ 2-5-80

राम मिश्र बनाम श्रीमती मश्रुदेवी बर्मरा

दरखास्त मेहनत कान्त बमरा नं 0 3341 रक्का 0-13-11 विष्वे
मुद्रजा खेक्ट नं 0 10/26 मिशन मुहान जुआ।

तलवी:—कागण पुत्र जगत राम, 2. परम राम पुत्र कानू, निवासी जुआ, इनाका रामगढ़, तहसील करमोग, 3. सर्वधी रूप लाल, 4. राम लाल, 5. राम पाल, पुत्रान देव राज, निवासी कुमहार मैन, जिला शिमला (हि प्र०)।

उपरोक्त मुकदमा उनवान बातों में उपरोक्त फरीक दोयम को कही बार अदालत हजा में समनात बराये परवी मुकदमा जारी किए गए मगर फरीक दोयम जाय सकूनत पर दस्ताव नहीं हो रहे हैं, और तामील समन में गुरेज कर रहे हैं। अदालत को पूर्ण विश्वास हो कुका है कि फरीक दोयम पर तामिल समन सांशारण तरीके से हानी कठिन है अतः सर्वधी फागण, परम राम, रूप लाल, राम लाल व राम पाल फरीक दोयम को इस इश्तहार अंडर आर्डर 5 रुप. 20 रुप. 0 रुप. 0 द्वारा सूचित विधा जाता है कि आप दिनांक 29-6-81 को समय 10 बजे सुबह मुकाम करमोग उपस्थित होकर पैरवी मुकदमा करें बमूरत दीगर कार्यवाही एक तरफा अमन में लाई जावेगी।

आज दिनांक 26-5-81 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

जे ० एस ० जमवाल,
महायक ममाहरी, द्वितीय थेणी,
करमोग, जिला मण्ड (हि प्र०)।

HIMACHAL PRADESH FINANCIAL CORPORATION SIMLA

NOTIFICATION

Simla, the 11th March, 1981

No. HPFC/21-13/77.—Whereas M/s Cloth-o-woolen and Silk Mills, 41-A, Industrial Area Mehatpur, District Una (Himachal Pradesh) a sole proprietary concern of Shri Om Parkash s/o Shri Babu Lal, Shop No. 26, Simla-171001, were sanctioned a loan of Rs. 84,200 (Rupees eighty four thousand two hundred only) by the Himachal Pradesh Financial Corporation for the purchase of plant and machinery for setting up a unit for the manufacture of stapple cloth at Mehatpur, District Una (Himachal Pradesh).

And whereas for securing the repayment of the said loan and interest thereon the said industrial unit executed an agreement dated 3-8-1976 and hypothecation deed dated 4-8-1976 in favour of the Corporation, hypothecating the properties mentioned in Schedule 'A' hereto. In the said agreement it was *inter-alia* agreed by the said industrial unit that repayment of the loan amount would be made in accordance with the repayment schedule entered in the said agreement besides interest.

And whereas the said industrial unit has committed defaults in repayment of the loan amount according to the said repayment schedule and also of interest and has failed

to honour its undertaking and commitments and has not so far cared to clear the outstanding defaults despite several demands and notice served upon it and whereas according to the terms of the aforesaid agreement the entire amount together with interest and with future interest upto the date of realisation of full amount has become due for payment at once which has accumulated to Rs. 1,17,559.30 as on 10-12-1980 including interest up to 9-12-1980.

Therefore, the Himachal Pradesh Financial Corporation has decided to take over the possession of the said hypothecated property of the industrial unit M/s Cloth-o-Woolen and Silk Mills, Mehatpur under section 29(1) of the State Financial Corporations Act, 1951 (Central Act No. 63 of 1951) with a right to transfer by way of lease or sale of the property hypothecated under the said hypothecation deed to the Himachal Pradesh Financial Corporation and realize therefrom its outstanding dues, in case the said industrial unit fails to clear its outstanding liability to the Corporation within fifteen days from the date of publication of this notification.

Particulars of Plant and Machinery hypothecated-mentioned hereinabove

SCHEDULE 'A'

Sl.No.	Quantity	Particulars
1.	4	Power looms (non-automatic) 60" read space.
2.	4	Power looms (non-automatic) 48" read space.
3.	1	Sectional Warping machine 96" drum length.
4.	1	Pirn winding machine capacity 1-20 spindles.
5.	1	Bobing machine capacity 20 spindles.
6.	11	One H.P. Motors.
7.	8-sets	Loom accessories as beams, cloth rollers, pick counters electric, checkers etc. and spares.

Sd/-
Managing Director.

HIMACHAL PRADESH FINANCIAL CORPORATION, SIMLA

NOTIFICATION

Simla, the 30th May, 1981

No. HPFC 21-76 78.—Whereas M/s Aash Udyog, 13, Industrial Area Parwanoo, District Solan (Himachal Pradesh) a sole proprietary concern of Shri Som Nath Bhargava s/o Shri Narendra Nath Bhargava, r/o 2028, Sector-9, Faridabad (Haryana) were sanctioned a loan of Rs. 1,50,000 (Rupees one lac and fifty thousand only) by the Himachal Pradesh Financial Corporation for the construction of buildings and purchase of Plant and Machinery for setting up a unit for the manufacture of camry tools at 13, Industrial Area, Parwanoo, District Solan, (Himachal Pradesh).

And whereas for securing the repayment of the said loan and interest thereon the said industrial unit executed a mortgage deed dated 1-10-1977 in favour of the Corporation mortgaging the properties mentioned in Annexure 'A' hereto. In the said mortgage deed it was *inter-alia* agreed by the said industrial unit that repayment of the loan amount would be made in accordance with the repayment schedule entered in the said mortgage deed besides interest.

And whereas the said industrial unit has committed defaults in repayment of the loan amount according to the said repayment schedule and also of interest and has failed to honour its undertaking and commitments and has not so far cared to clear the outstanding defaults despite several demands and notice served upon it, and whereas according to the terms of the aforesaid mortgage deed the entire amount together with interest upto the date of realisation of the full amount has become due for payment at once which has accumulated to Rs. 2,38,005.80 as on 27-3-1981 including interest upto 9-12-1980.

Therefore, the Himachal Pradesh Financial Corporation has decided to take over the possession of the said industrial unit M/s Aash Udyog, 13, Industrial Area, Parwanoo under section 29 of the State Financial Corporations Act, 1951 (Central Act No. 63 of 1951) with a right to transfer by way of lease or sale of the property mortgaged under the said mortgage deed to the Himachal Pradesh Financial Corporation and realize therefrom its outstanding dues, in case the said industrial unit fails to clear its outstanding liability to the Corporation within fifteen days from the date of publication of this notification.

ANNEXURE "A"

Details of mortgaged properties mentioned hereinabove

Lease hold rights of the land measuring 1038 square metres situate at Parwanoo, Tehsil Kasauli, District Solan (H.P.), alongwith buildings constructed together with appurtenants, rights, tenements and hereditaments as well as the fixtures and fittings and electric installations and plant and machinery as detailed below:—

1. Centre Lathe Bed 6' sewing 16" with coolant pump and electicals.
2. Vertical Milling Machine.
3. Bench drill (power operated).
4. Tool and cutter grinding, universal type and standard accessories.
5. Surface grinder capacity 20" x 8" motor 1 HP x 2800 rpm.
6. Carbide tool grinder with triple wheel arrangement.
7. Double ended Bench grinder with 10" wheel.
8. Cylindrical grinder, Hydraulic drive type SMT-3.
9. Profile profile projector.
10. Gas welding set, consisting of acetylene, gas generator, blow pipes, seed tubes, oxygen cylinder.
11. Electric welding set 2 phase, 200 amps. with feeder pipes grippers.
12. Various instruments and gauges.
13. Cleaning and painting equipment like degreasing tank, self spraying paint gun, etc.
14. Coal fired furnace with 1/2 HP blower refractory material etc.
15. Electricals like cable work, starters, switch gears lighting equipment, etc.

Sd/-
Managing Director.

HIMACHAL PRADESH FINANCIAL CORPORATION SIMLA NOTIFICATION

Simla, the 6th May, 1981

No. HPFC 21-9/77.—Whereas M/s Shree Durga Oil and Flour Mills, Shed No. 58, Industrial Area Mehatpur, District Una (Himachal Pradesh) a sole proprietary concern of Shri Ashok Kumar son of Shri Piare Lal, resident of 54/1, The Mall, Simla (H.P.), were sanctioned a loan Rs. 1.07.000 (Rupees one lac seven thousand only) by the Himachal Pradesh Financial Corporation for the purchase of Plant and Machinery and purchase of vehicle for setting up unit for the extraction of Sarson Oil at Mehatpur, District Una (H.P.).

And whereas for securing the repayment of the said loan and interest thereon the said industrial unit executed agreements dated 15-1-1977 and 23-1-1978 and hypothecation deeds dated 15-1-1977 and 24-1-1978 in favour of the Corporation hypothecating the properties mentioned in Schedule 'A' hereto. In the said agreement it was *inter alia* agreed by the said industrial unit that repayment of the loan amount would be made in accordance with the repayment schedules entered in the said agreements besides interest.

And whereas the said industrial unit has committed defaults in repayment of the loan amount according to

the said repayment schedules and also of interest and has failed to honour its undertaking and commitments and has not so far cared to clear the outstanding defaults despite several demands and notices and whereas according to the terms of the aforesaid agreements the entire amount together with interest upto the date of realisation of the full amount has become due for payment at once which has accumulated to Rs. 65,865.95 as on 31-3-1981 including interest upto 31-3-1981.

Therefore, the Himachal Pradesh Financial Corporation has decided to take over the possession of the said industrial unit M/s Shree Durga Oil and Flour Mills under section 29(1) of the State Financial Corporations Act, 1951 (Central Act No. 63 of 1951) with a right to transfer by way of lease or sale of the property hypothecated under the said hypothecation deeds to the Himachal Pradesh Financial Corporation and realize therefrom its outstanding dues, in case the said industrial unit fails to clear its outstanding liability to the Corporation within fifteen days from the date of publication of this notification.

SCHEDULE "A"

Details of properties hypothecated herein above referred to

1. Baby Oil expellers, 27" x 5" (9 bolts) .. Two Nos.
2. Filter Press 18" x 18" x 18" size .. One No.
3. Pump 2-1/4" One No.
4. Electric Motors of 20 HP each with switches and starters Two Nos.
5. Motor 3 HP with starter and switch .. One No.
6. Storage tanks of 8' x 4' x 4' (10 tonnes capacity each) Two Nos.
7. Storage tanks of 3' x 2' x 1' 2" Two Nos.
8. Shafts, pulleys and belts
9. Spares, tools and accessories
10. Hindustan mini truck with Terpaulin (T-120 full forward control diesel) .. One No.
11. Scales (300 kgs and 30 kgs capacity) .. Two Nos.
12. Switch and starter (Main Switch 100 Amps).

Sd/-
Managing Director.

HIMACHAL PRADESH UNIVERSITY (CONDUCT BRANCH SIMLA-171005)

NOTIFICATION

Simla-5, the 15th June, 1981

No. 6-26/80-HPU (Conduct).—Miss Jagtamba Devi d/o Shri Panjoo Ram, Village Haler, Sub-Tehsil Jai Singhpur, District Kangra, H. P. Registration No. 77-PKA-121 has been allowed to change her name Jagtamba Devi to Jatanpal Singh Chaudhary. In future her name in the University record will be shown as Jatanpal Singh Chaudhary.

C. L. SEHGAL,
Assistant Registrar (Conduct).

I, Jalam Ram Suryavanshi s/o Shri Dila Ram, of Govt. College for Boys, Simla-6 have changed my name to Jagdeep Suryavanshi.

Jagdeep Suryavanshi,
Govt. College for Boys,
Simla-171006.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

NOTIFICATION

Simsi-171002, the 13th February, 1981

No. LLR-E (9)-10/79.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajapatra, for the information of general public:—

Sl. No.	Title	Date of assent	Date of publication in the Gazette of India (Extraordinary) Part II, Sec. 1 in which the Acts were published
1.	The Auroville (Emergency Provisions) Act, 1980 (59 of 1980).	17-12-80	19-12-80
2.	The Monopolies and Restrictive Trade Practices (Amendment) Act, 1980 (60 of 1980).	19-12-80	20-12-80
3.	The Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980 (61 of 1980).	20-12-80	22-12-80
4.	The Jute Companies (Nationalization) Act, 1980 (62 of 1980).	21-12-80	22-12-80
5.	The Bird and Company Limited (Acquisition and Transfer of Undertakings and other Properties) Act, 1980 (67 of 1980).	27-12-80	27-12-80
6.	The Tea (Amendment) Act, 1980 (68 of 1980).	27-12-80	27-12-80

G. S. CHAUHAN,
Under Secretary.

Assented to on 17-12-1980.

THE AUROVILLE (EMERGENCY PROVISIONS)
ACT, 1980
(ACT NO. 59 OF 1980)

AN
ACT

to provide for the takingover, in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto

WHEREAS Sri Aurobindo Society, a non-governmental organisation had been a channel of funds for the setting up of a cultural township known as Auroville, where people of different countries are expected to live together in harmony in one community and are expected to engage in cultural, educational, scientific and other pursuits aiming at human unity;

AND WHEREAS the United Nations Educational, Scientific and Cultural Organisation (hereinafter referred to as 'UNESCO'), being of the opinion that the project aforesaid would contribute to international understanding and promotion of peace, by a resolution passed in 1966, commended Auroville to those interested in UNESCO's ideals;

AND WHEREAS by a further resolution passed in 1968, the UNESCO had invited its member-States and international non-governmental organisations to participate in the development of Auroville as an international cultural township designed to bring together the values of different cultures and civilisations in a harmonious environment with integrated living standards which correspond to man's physical and spiritual need;

AND WHEREAS by a further resolution passed at its sitting held from the 12th October to 14th November, 1970, the UNESCO had directed its Director-General to take such steps as may be feasible, within the budgetary provisions, to promote the development of Auroville as an important international cultural programme;

AND WHEREAS Auroville was developed as a cultural township with the aid of funds received from different organisations in and outside India as also from the substantial grants received from the Central and State Governments;

AND WHEREAS pursuant to the complaints received with regard to the misuse of funds by Sri Aurobindo Society, a Committee was set up under the chairmanship of the Lieutenant-Governor of Pondicherry with representatives of the Government of Tamil Nadu and of the Ministry of Home Affairs in the Central Government, and the said Committee had, after a detailed scrutiny of the accounts of Sri Aurobindo Society, found instances of serious irregularities in the management of the said Society, misutilisation of its funds and their diversion to other purposes;

AND WHEREAS in view of the serious difficulties which have arisen with regard to the management of Auroville, it is necessary to take over, for a limited period, the management thereof and any delay in taking over the management of Auroville would be highly detrimental to the interests and objectives of Auroville:

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Auroville (Emergency Provisions) Act, 1980.
(2) It shall be deemed to have come into force on the 10th day of November, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "Administrator" means the Administrator appointed under section 5;
- (b) "appointed day" means the 10th day of November, 1980;
- (c) "Auroville" means so much of the undertakings as form part of, or are relatable to, the cultural township which is known as Auroville and the charter of which was proclaimed by the 'Mother' on the 28th day of February, 1968;
- (d) "Council" means the 'Auroville International Advisory Council' constituted under sub-section (1) of section 6;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Society" means Sri Aurobindo Society being a society as defined in the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI of 1961), and having its registered office at Calcutta;
- (g) words and expressions used herein and not defined, but defined in the Societies Registration Act, 1860 (21 of 1860), shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

TAKING OVER OF THE MANAGEMENT OF AUROVILLE

3. *Management of Auroville to vest in the Central Government for a limited period.*—(1) On and from the appointed day and for a period of two years thereafter, the management of Auroville shall vest in the Central Government:

Provided that where the Central Government is of opinion that in order to secure the proper management of Auroville, it is expedient that such management should continue to vest in that Government after the expiry of the said period of two years, it may, from time to time, issue directions for the continuance of such management for

such period, not exceeding one year at a time, as it may think fit: so, however, that the total period for which such management shall continue to vest in the Central Government shall not, in any case, exceed five years.

(2) Auroville shall be deemed to include all the assets, rights, leaseholds, powers, authorities and privileges, and all property (movable and immovable) including lands, buildings, works, workshops, projects, stores, instruments, machinery, automobiles and other vehicles, cash balances, funds, including reserve funds, investments and book debts of the Society as form part of, or are relatable to Auroville and all other rights and interests arising out of such properties as were immediately before the appointed day in the ownership, possession, power or control of the Society, whether within or without India, and all books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

4. Application of West Bengal Act XXVI of 1961.—(1) Notwithstanding anything contained in any other law for the time being in force or in the memorandum or the rules and regulations of the Society,—

- (a) on and from the appointed day, every member of the Governing Body of the Society, by whatever name called, shall cease to exercise any powers of management in relation to Auroville;
- (b) it shall not be lawful for the members of the Society or any other person to nominate or appoint any person as Manager or Director of so much of the assets of the Society as form part of, or are relatable to, Auroville;
- (c) no resolution in relation to Auroville passed at any meeting of the members of the Society or of the members of Auroville shall be given effect to unless it is approved by the Central Government;
- (d) no proceeding for the dissolution of the Society or merger of the Society with any other society or for the appointment of a receiver in respect of any asset forming part of, or relatable to, Auroville, the management of which has vested in the Central Government under section 3, shall lie in any court except with the consent of the Central Government.

(2) Subject to the provisions contained in sub-section (1) and to the other provisions contained in this Act and subject to such other exceptions, restrictions and limitations, if any, as the Central Government may by notification in the Official Gazette, specify in this behalf for the purposes of this Act, the provisions of the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI of 1961), shall continue to apply to the Society in the same manner as they applied thereto before the appointed day.

5. Administrator of Auroville.—(1) The Central Government shall, as from the appointed day, appoint a person or a body of persons as the Administrator for the purpose of taking over the management of Auroville and the Administrator shall carry on the management of Auroville for and on behalf of the Central Government.

(2) The Administrator may authorise such person as he thinks fit also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers, and subject to the general or special directions given or imposed by the Administrator, the person so authorised to exercise any powers of the Administrator may exercise those powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by way of authorisation.

(3) If, on the appointed day, any suit, appeal or other proceeding, of whatever nature, in relation to any property which has vested in the Central Government under section 3, instituted or preferred by or against the Society is pending, the same shall not abate, be discontinued or be, in any way prejudicially affected by reason of the taking over of the management of Auroville or of anything contained in this Act but the suit, appeal or other proceeding may be pursued, prosecuted or enforced by or against the Central Government.

(4) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any court, tribunal or other authority) to the Administrator, as to his powers and duties as that Government may deem desirable and the Administrator may apply to the Central Government at any time for instructions as to the manner in which he shall conduct the management of Auroville or in relation to any matter arising in the course of such management.

(5) Subject to the other provisions of this Act and to the control of the Central Government, the Administrator shall be entitled, notwithstanding anything contained in the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI of 1961), or in any other law for the time being in force, to exercise, in relation to Auroville, the powers of the Governing Body or Executive Committee or, as the case may be, of the Board of Trustees of the Society, including the powers to dispose of any property or assets of the society, whether such powers are derived from the West Bengal Societies Registration Act, 1961, or from the memorandum and rules and regulations of the Society or from any other source.

(6) The Administrator and the other persons authorised by him under sub-section (2) shall receive from the funds of the Society relatable to Auroville such remuneration as the Central Government may fix.

6. Advisory Council.—(1) As soon as may be after the commencement of this Act and in any case within one month from such commencement, the Central Government shall constitute, by notification in the Official Gazette, a Council to be called the 'Auroville International Advisory Council'.

(2) The Council may on its own motion or on a reference made to it by the Central Government advise the Central Government on any matter concerning the management of Auroville.

(3) In tendering any advice to the Central Government, the Council shall endeavour to secure that—

- (a) the ideals for which Auroville has been established are encouraged, and
- (b) the members of Auroville are allowed freedom to grow and develop activities and institutions for the fulfilment of the aspirations and programmes envisaged in the Charter of Auroville.

(4) The Council shall consist of such number of members not exceeding five as may be appointed by the Central Government from amongst persons, who in its opinion are devoted to the ideals of human unity, peace and progress.

(5) There shall be a Chairman of the Council who shall be elected by the members of the Council from among themselves.

(6) The term of office of, the method of filling casual vacancies among, and the allowances and other remuneration, if any, payable to, the members of the Council shall be such as may be prescribed.

(7) The Council shall, subject to any rules that may be made in this behalf under section 17, have power to regulate its own procedure.

7. Delivery of possession of properties of Auroville.—(1) Every person having, on the appointed day, in his possession, custody or control any property forming part of, or relatable to, Auroville, shall deliver forthwith such property to the Administrator or to any officer or other employee of the Central Government as may be authorised by the Central Government in this behalf.

(2) Any person who has, on the appointed day, in his possession or under his control any books, papers or other documents relating to Auroville (including the minutes books containing resolutions in relation to Auroville adopted by persons in charge of the management of

the Society before the appointed day), the current cheques, books relating to Auroville, any letters, memoranda, notes and other communications between him and the Society, shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minutes, books, cheque books, letters, memoranda, notes and other communications) to the Administrator or to such person (being an officer or other employee of the Central Government) as may be authorised by the Central Government in this behalf.

(3) Every person in charge of the management of Auroville immediately before the appointed day shall, within ten days from that day or within such further period as the Central Government may allow in this behalf, furnish to the Administrator a complete inventory of all the properties and assets (including particulars of donations received, book debts, investments and belongings) forming part of, or relatable to, Auroville immediately before the appointed day and all liabilities and obligations of the Society in relation to Auroville subsisting immediately before that day and also of all agreements entered into by the Society in relation to Auroville and in force immediately before the appointed day.

8. Relinquishment of management before the specified period.—(1) If at any time it appears to the Central Government that the purposes for which the management of Auroville had been taken over have been fulfilled or that for any other reason it is not necessary that the management of Auroville should remain vested in that Government, it may, notwithstanding anything contained in sub-section (1) of section 3, by order published in the Official Gazette, relinquish the management of Auroville with effect from such date as may be specified in the order.

(2) On and from the date specified in the order made under sub-section (1), the management of the property of the Society forming part of, or relatable to, Auroville, shall vest in the Governing Body (by whatever name called) of the Society and such management shall be carried on in accordance with the provisions of the West Bengal Societies Registration Act, 1961 (West Bengal Act XXVI of 1961), so, however, that the steps if any, in relation to the management of the property of the Society forming part of, or relatable to, Auroville, may be taken after the publication of the order made under sub-section (1).

9. Tribunal.—(1) If any dispute or doubt arises as to whether any asset, right, lease-hold, power, authority, privilege, property (whether movable or immovable) including any land, building, works, workshop, project, stores, instruments, machinery, automobile or other vehicle, cash balances, funds (including reserve funds), investments and book debts forms or form part of, or is or are relatable to, Auroville for the purposes of section 3, such dispute or doubt shall, at the request of the Society or the Administrator or any other person interested or at the instance of the Central Government, be referred to a Tribunal consisting of one member (being a person who is or has been a Judge of a High Court) to be appointed by the Central Government.

(2) The Tribunal shall, for the purpose of any reference under sub-section (1), have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908), in respect of the following matters, namely:—

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents producible as evidence;
- recording evidence on oath;
- requisitioning any public record from any court or office;
- issuing commissions for the examination of witnesses or documents;
- such other matters as may be prescribed.

(3) The Tribunal shall have power to regulate its own procedure in all matters arising out of the discharge of

its functions (including the place or places at which it shall hold its sittings).

(4) All expenses incurred in connection with the Tribunal shall be defrayed out of the Consolidated Fund of India.

10. Appeal.—Any person aggrieved by the decision of the Tribunal under section 9 may, within thirty days from the date of such decision, prefer an appeal to the High Court at Madras and such appeal shall be heard and disposed of by not less than two Judges of that High Court:

Provided that the High Court may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period aforesaid.

CHAPTER III MISCELLANEOUS

11. Act to have overriding effect.—The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court.

12. Contracts, etc., cease to have effect unless ratified by the Central Government.—(1) Every contract (including any contract of employment or other arrangement) entered into by the Society in relation to Auroville, the management of which has vested in the Central Government under section 3, and in force immediately before the appointed day, shall, on and from the date of expiry of ninety days from the appointed day, cease to have effect unless such contract or other arrangement has been, before the expiry of that period, ratified, in writing, by the Central Government; and in ratifying such contract or other arrangement, the Central Government may make such alterations or modifications therein as it may think fit:

Provided that the Central Government shall not omit to ratify any contract or other arrangement and shall not make any alteration or modification therein.

(a) unless it is satisfied that such contract or other arrangement is unduly onerous or has been entered into in bad faith or is detrimental to the interests of Auroville; and

(b) except after giving the parties to the contract or other arrangement a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or other arrangement or for making any alteration or modification therein.

(2) Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract or other arrangement is terminated, altered or modified under sub-section (1), or who ceases to exercise any powers or hold any office by reason of any provision contained in sub-section (1) of section 4, shall be entitled to claim any compensation for the premature termination of the contract or other arrangement or for any alteration or modification therein or for the loss of his powers or offices.

13. Exclusion of period of operation of Act.—In computing the period of limitation prescribed by any law for the time being in force for any suit or application against any person by the Society in respect of any matter arising out of any transaction relating to Auroville, the time during which this Act is in force shall be excluded.

14. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Administrator or any person authorised under sub-section (2) of section

5 by the Administrator for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any officer or other employee of that Government or the Administrator or any person authorised under sub-section (2) of section 5 by the Administrator for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

15. Penalties.—Any person who,—

- (a) having in his possession or custody or control any asset or property forming part of, or relatable to, Auroville, wrongfully withholds such property from the Administrator or any person authorised under this Act, or
- (b) wrongfully obtains possession of any such asset or property forming part of, or relatable to, Auroville, or
- (c) wilfully retains any asset or property forming part of, or relatable to, Auroville, or removes or destroys it, or
- (d) wilfully withholds or fails to deliver any books, papers or other documents relatable to Auroville which may be in his possession or custody or under his control to the Administrator or any person authorised under this Act, or
- (e) fails, without any reasonable cause, to furnish any inventory of properties and assets as provided in sub-section (3) of section 7, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

16. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section, shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

17. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the term of office of, the method of filling casual vacancies among, and the allowances and other remuneration, if any, payable to, the members of the Council under sub-section (6) of section 6;
- (b) the additional matters in respect of which the Tribunal shall have the powers of a civil court under clause (f) of sub-section (2) of section 9; and

(c) any other matter which is required to be, or may be, prescribed, or in respect of which rules may be made, under this Act.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. Repeal and saving.—(1) The Auroville (Emergency Provisions) Ordinance, 1980 (19 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

Assented to on 19-12-1980.

THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) ACT, 1980

(ACT No. 60 of 1980)

AN
ACT

further to amend the Monopolies and Restrictive Trade Practices Act, 1969.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Monopolies and Restrictive Trade Practices (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 13th day of October, 1980.

2. Amendment of section 2.—In section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), (hereinafter referred to as the principal Act),—

(i) in clause (d), after *Explanation VI*, the following *Explanation* shall be inserted, namely:—

“*Explanation VII.*—Where goods of any description produced in India by an undertaking have been exported to a country outside India, then the goods so exported shall not be taken into account in computing for the purposes of this clause—

(i) the total goods of that description that are produced in India by that undertaking; or

(ii) the total goods of that description that are produced, supplied or distributed in India or any substantial part thereof;”;

(ii) in clause (j), after *Explanation IV* the following *Explanation* shall be inserted, namely:—

“*Explanation V.*—Where goods of any description produced in India by an undertaking have been exported to a country outside India, then the goods so exported shall not be taken into account in computing for the purposes of this clause—

- (i) the total goods of that description that are produced in India by that undertaking; or
- (ii) the total goods of that description that are produced, supplied or distributed in India or any substantial part thereof;".

3. Repeal and saving.—(1) The Monopolies and Restrictive Trade Practices (Amendment) Ordinance, 1980 (14 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Assented to on 20-12-1980.

THE PUBLIC PREMISES (EVICTION OF UN-AUTHORISED OCCUPANTS) AMENDMENT ACT, 1980

(ACT NO. 61 OF 1980)

AN

ACT

to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980.

2. Amendment of section 2.—In the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) (hereinafter referred to as the principal Act), in section 2,—

(i) clause (a) shall be omitted, and for the words "corporate authority", wherever they occur in the principal Act, the words "statutory authority" shall be substituted;

(ii) for clause (e), the following clause shall be substituted, namely:—

'(e) "public premises" means—

(i) any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government, and includes any such premises which have been placed by that Government, whether before or after the commencement of the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980, under the control of the Secretariat of either House of Parliament for providing residential accommodation to any member of the staff of that Secretariat;

(2) any premises belonging to, or taken on lease by, or on behalf of,—

(i) any company as defined in section 3 of the Companies Act, 1956 (1 of 1956), in which not less than fifty-one per cent of the paid-up share capital is held by the Central Government or any company which is a subsidiary (within the meaning of that Act) of the first-mentioned company;

(ii) any corporation (not being a company as defined in section 3 of the Companies Act, 1956 (1 of 1956), or a local authority) established by or under a Central Act and owned or controlled by the Central Government;

(iii) any University established or incorporated by any Central Act;

(iv) any Institute incorporated by the Institutes of Technology Act, 1961 (59 of 1961);

(v) any Board of Trustees constituted under the Major Port Trusts Act, 1963 (38 of 1963);

(vi) the Bhakra Management Board constituted under section 79 of the Punjab Re-organisation Act, 1966 (31 of 1966), and that Board as and when re-named as the Bhakra-Bas Management Board under sub-section (6) of section 80 of that Act; and

(3) in relation to the Union territory of Delhi,—

(i) any premises belonging to the Municipal Corporation of Delhi, or any municipal committee or notified area committee, and

(ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;'

(iii) after clause (f), the following clause shall be inserted, namely:—

'(fa) "statutory authority", in relation to the public premises referred to in clause (e) of this section, means,—

(i) in respect of the public premises placed under the control of the Secretariat of either House of Parliament, the Secretariat of the concerned House of Parliament,

(ii) in respect of the public premises referred to in item (i) of sub-clause (2) of that clause, the company or the subsidiary company, as the case may be, referred to therein,

(iii) in respect of the public premises referred to in item (ii) of sub-clause (2) of that clause, the corporation referred to therein,

(iv) in respect of the public premises referred to, respectively, in items (iii), (iv), (v) and (vi) of sub-clause (2) of that clause, the University, Institute or Board, as the case may be, referred to therein, and

(v) in respect of the public premises referred to in sub-clause (3) of that clause, the Corporation, committee or Authority, as the case may be, referred to in that sub-clause;'

3. Amendment of section 3.—In section 3 of the principal Act,—

(i) in clause (a), the word "and", occurring at the end shall be omitted; and

(ii) to clause (a), the following provisos shall be added, namely:—

"Provided that no officer of the Secretariat of the Rajya Sabha shall be so appointed except after consultation with the Chairman of the Rajya Sabha and no officer of the Secretariat of the Lok Sabha shall be so appointed except after consultation with the Speaker of the Lok Sabha:

Provided further that an officer of a statutory authority shall only be appointed as an estate officer in respect of the public premises controlled by that authority; and".

4. Amendment of section 4.—In section 4 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely:—

"(b) require all persons concerned, that is to say, all persons who are, or may be, in occupation of, or claim interest in, the public premises,—

(i) to show cause, if any, against the proposed order on or before such date as is specified

in the notice, being a date not earlier than seven days from the date of issue thereof, and

(ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.”.

5. Amendment of section 5.—In section 5 of the principal Act,—

(i) in sub-section (1), for the words “any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard”, the words, brackets, letter and figures “any evidence produced by him in support of the same and after personal hearing, if any, given under clause (b) of sub-section (2) of section 4” shall be substituted:

(ii) in sub-section (2),—

(a) for the words, brackets and figure “within thirty days of the date of its publication under sub-section (1)”, the words, brackets and figure “on or before the date specified in the said order or within fifteen days of the date of its publication under sub-section (1), whichever is later,” shall be substituted:

(b) for the words “may evict that person”, the words “may after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person” shall be substituted.

6. Insertion of new sections 5A and 5B.—After section 5 of the principal Act, the following sections shall be inserted, namely:—

“5A. Power to remove unauthorised constructions, etc.—No person shall—

- (a) erect or place or raise any building or other structure or fixture,
- (b) display or spread any goods,
- (c) bring or keep any cattle or other animal,

on, or against, or in front of, any public premises except in accordance with the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy such premises.

(2) Where any building or other structure or fixture has been erected or any goods have been displayed or spread or any cattle or other animal has been brought on, any public premises in contravention of the provisions of sub-section (1), the estate officer may serve upon the person erecting such building or other structure or fixture or displaying or spreading such goods or bringing such cattle or other animal on the public premises, a notice requiring him either to remove, or to show cause why he shall not remove, such building, other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises within such period, not being less than seven days, as he may specify in the notice; and on the omission or refusal of such person either to show cause, or to remove such building or other structure or fixture, or, as the case may be such goods or cattle or other animal from the public premises, or, where the cause shown is not in the opinion of the estate officer, sufficient, the estate officer may remove the building or other structure or fixture, or, as the case may be, such goods or cattle or other animal from the public premises and recover the cost of such removal from the person aforesaid as an arrear of land revenue.

5B. Order of demolition of unauthorised construction.—

(1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed, on any public premises by any person in occupation of such

public premises under an authority (whether by way of grant or any other mode of transfer), and such erection of building or execution of work is in contravention of, or not authorised by, such authority, then, the estate officer may, in addition to any other action that may be taken under this Act or in accordance with the terms of the authority aforesaid, make an order, for reasons to be recorded therein, directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced, or is being carried on, or has been completed, within such period, as may be specified in the order, not being less than seven days, or more than fifteen days, from the date of publication of the order under sub-section (3):

Provided that no order under this sub-section shall be made unless the person concerned has been given, by means of a notice served in the prescribed manner, a reasonable opportunity of showing cause why such order should not be made.

- (2) Where the erection or work has not been completed, the estate officer may, by the same order or by a separate order, whether made at the time of the notice under the proviso to sub-section (1) or at any other time, direct the person at whose instance the erection or work has been commenced, or is being carried on, to stop the erection or work until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred under section 9.
- (3) The estate officer shall cause every order made under sub-section (1), or, as the case may be, under sub-section (2), to be affixed on the outer door, or some other conspicuous part, of the public premises.

(4) Where no appeal has been preferred against the order of demolition made by the estate officer under sub-section (1) or where an order of demolition made by the estate officer under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the appellate officer on appeal, and, on the failure of the person to comply with the order within such period, the estate officer or any other officer duly authorised by the estate officer in this behalf, may cause the erection or work to which the order relates to be demolished.

(5) Where an erection or work has been demolished, the estate officer may, by order, require the person concerned to pay the expenses of such demolition within such time, and in such number of instalments, as may be specified in the order.”.

7. Amendment of section 6.—In section 6 of the principal Act,—

(i) in sub-section (1), after the words and figures “Where any persons have been evicted from any public premises under section 5”, the words, figure and letter “or where any building or other work has been demolished under section 5B” shall be inserted:

(ii) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) Where any goods, materials, cattle or other animal have been removed from any public premises under section 5A, the estate officer may, after giving fourteen days’ notice to the persons owning such goods, materials, cattle or other animal and after publishing the notice in at least one newspaper having circulation in the locality, dispose of, by public auction, such goods, materials, cattle or other animal.

(1B) Notwithstanding anything contained in sub-sections (1) & (1A), the giving or publication

of any notice referred to therein shall not be necessary in respect of any property which is subject to speedy and natural decay, and the estate officer may, after recording such evidence as he may think fit, cause such property to be sold, or otherwise disposed of in such manner as he may think fit.”;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The expression “costs”, referred to in sub-section (2), shall include the cost of removal recoverable under section 5A and the cost of demolition recoverable under section 5B.”.

8. *Amendment of section 7.*—In section 7 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) While making an order under sub-section (1) or sub-section (2), the estate officer may direct that the arrears of rent or, as the case may be, damages shall be payable together with simple interest at such rate as may be prescribed, not being a rate exceeding the current rate of interest within the meaning of the Interest Act, 1978 (14 of 1978).”.

9. *Amendment of section 9.*—In section 9 of the principal Act,—

(i) in sub-section (1), for the word and figure “section 5”, the words, figures and letter “section 5 or section 5B” shall be substituted;

(ii) in sub-section (2),—

(a) in clause (a), for the words “within fifteen days”, the words “within twelve days” shall be substituted;

(b) in clause (b), for the words and figure “under section 7, within fifteen days”, the words, figures and letter “under section 5B or section 7, within twelve days” shall be substituted;

(c) in the proviso, for the words “said period of fifteen days”, the words “said period” shall be substituted;

(iii) to sub-section (3), the following proviso shall be added, namely:—

“Provided that where the construction or erection of any building or other structure or fixture or execution of any other work was not completed on the day on which an order was made under section 5B for the demolition or removal of such building or other structure or fixture, the appellate officer shall not make any order for the stay of enforcement of such order, unless such security, as may be sufficient in the opinion of the appellate officer, has been given by the appellant for not proceeding with such construction, erection or work pending the disposal of the appeal.”.

10. *Amendment of section 13.*—In section 13 of the principal Act,—

(i) in sub-section (1), after the words “for the assessment of damages”, the words “or for the determination of the amount payable by way of interest on such arrears of rent or damages” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Where any person from whom any cost of removal of any building or other structure or fixture, or, as the case may be, any goods, cattle or other animal is to be recovered under sub-section (2) of section 5A, or any expenses of demolition are to be recovered under sub-section (5) of section 5B, dies before any proceeding is taken for the recovery of such cost or during the pendency thereof, the proceeding may be taken or, as the case may

be, continued against the heirs or legal representatives of that person.”;

(iii) in sub-section (2), for the words “rent or damages or costs”, the words, figures, letters and brackets “rent or damages or costs of removal referred to in section 5A or expenses of demolition referred to in section 5B or interest referred to in sub-section (2A) of section 7 or any other cost” shall be substituted.

11. *Amendment of section 14.*—In section 14 of the principal Act,—

(a) after the words “fails to pay”, the words, brackets, figures and letter “the expenses of demolition payable under sub-section (5) of section 5B or” shall be inserted;

(b) after the words, brackets and figure “payable under sub-section (2)”, the words, brackets, figure and letter “or the interest determined under sub-section (2A)” shall be inserted;

(c) for the words “portion of such rent, damages”, the words “portion of such rent, damages, expenses, interest” shall be substituted.

12. *Substitution of new section for section 15.*—For section 15 of the principal Act, the following section shall be substituted, namely:—

15. *Bar of jurisdiction.*—No court shall have jurisdiction to entertain any suit or proceeding in respect of—

(a) the eviction of any person who is in unauthorised occupation of any public premises, or

(b) the removal of any building, structure or fixture or goods, cattle or other animal from any public premises under section 5A, or

(c) the demolition of any building or other structure made, or ordered to be made, under section 5B, or

(d) the arrears of rent payable under sub-section (1) of section 7 or damages payable under sub-section (2), or interest payable under sub-section (2A), of that section, or

(e) the recovery of—

(i) costs of removal of any building, structure or fixture or goods, cattle or other animal under section 5A, or

(ii) expenses of demolition under section 5B, or

(iii) costs awarded to the Central Government or statutory authority under sub-section (5) of section 9, or

(iv) any portion of such rent, damages, costs of removal, expenses of demolition or costs awarded to the Central Government or statutory authority.”.

13. *Amendment of section 18.*—In section 18 of the principal Act,—

(i) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ea) the rate at which interest shall be payable on arrears of rent specified in any order made under sub-section (1) of section 7, or damages assessed under sub-section (2) of that section.”;

(ii) in sub-section (3), for the words “in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid.” shall be substituted.

Assented to on 21-12-80

THE JUTE COMPANIES (NATIONALISATION) ACT, 1980

(ACT NO. 62 OF 1980)

AN

ACT

to provide for the acquisition and transfer of the undertakings of the jute companies specified in the First Schedule

with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of articles made of jute, which are essential to the needs of the economy of the country and for matters connected therewith or incidental thereto.

WHEREAS the said jute companies had been engaged in the manufacture and production of articles mentioned in the First Schedule to the Industries (Development and Regulation) Act, 1951, (65 of 1951) namely, textiles made wholly or in part of jute;

AND WHEREAS the management of the undertakings of each of the said jute companies was taken over by the Central Government under the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS it is necessary to acquire the undertakings of the said jute companies to ensure that the interests of the general public are served by the continuance, by the undertakings of the said jute companies, of the manufacture, production and distribution of the aforesaid articles which are essential to the needs of the economy of the country;

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title.*—This Act may be called the Jute Companies (Nationalisation) Act, 1980.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the date of commencement of this Act;
- (b) "Commissioner" means the Commissioner of Payments appointed under section 14;
- (c) "jute companies" means the companies (being companies as defined in the Companies Act, 1956) (1 of 1956) specified in the First Schedule;
- (d) "Jute Manufacturers Corporation" means the National Jute Manufacturers Corporation Limited, a company incorporated and registered under the Companies Act, 1956 (1 of 1956);
- (e) "notification" means a notification published in the Official Gazette;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purposes of that provision and different dates may be specified for different provisions of this Act;
- (h) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956) shall have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE JUTE COMPANIES

3. *Transfer to, and vesting in, the Central Government of the undertakings of the jute companies.*—On the appointed day, the undertakings of every jute company, and the right, title and interest of every jute company in relation to its undertakings shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. *General effect of vesting.*—(1) The undertakings of each jute company shall be deemed to include all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machi-

nery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were, immediately before the appointed day, in the ownership or possession, power or control of the jute company, whether within or outside India, and all books of account, registers and all other documents of whatever nature relating thereto and shall also be deemed to include the liabilities specified in sub-section (2) of section 5.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien, or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts directed to be given under sections 7 and 8 to the jute company concerned but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to a jute company in relation to its undertakings which have vested in the Central Government under section 3 at any time before the appointed day and in force immediately before that day shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertakings, and, on and from the date of vesting of such undertakings under section 6, in the Jute Manufacturers Corporation, that Corporation shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Corporation and such Corporation shall hold it for the remainder of the period for which the jute company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature, in relation to any matter specified in sub-section (2) of section 5, in respect of the undertakings of any jute company which has vested in the Central Government under section 3, instituted or preferred by or against that company, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of such jute company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or where the undertakings of such jute company are directed under section 6, to vest in the Jute Manufacturers Corporation, by or against that Corporation.

5. *Jute companies to be liable for certain prior liabilities.*—(1) Every liability, other than the liability specified in sub-section (2), of a jute company in respect of any period prior to the appointed day, shall be the liability of that company and shall be enforceable against it, and not against the Central Government, or, where the undertakings of the jute company vest in the Jute Manufacturers Corporation, against that Corporation.

(2) Any liability arising in respect of loans advanced by the Central Government or any State Government, or both, to a jute company (together with interest due

thereon) after the management of the undertakings of said jute company had been taken over by the Central Government shall, on and from the appointed day, be the liability of the Central Government and shall be discharged by that Government, or by the Jute Manufacturers Corporation as and when repayment of such loans becomes due and payable.

(3) For the removal of doubts, it is hereby declared that—

- (a) save as otherwise expressly provided in this Act, no liability, other than the liability specified in sub-section (2), of any jute company in relation to its undertakings in respect of any period prior to the appointed day, shall be enforceable against the Central Government or where the undertakings of such company are directed under section 6, to vest in the Jute Manufacturers Corporation, against that Corporation;
- (b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of any jute company, passed after the appointed day, in respect of any matter, claim or dispute, which arose before that day, not being a matter, claim or dispute in relation to any liability specified in sub-section (2), shall be enforceable against the Central Government or where the undertakings of such company are directed under section 6, to vest in the Jute Manufacturers Corporation, against that Corporation;
- (c) no liability incurred by any jute company before the appointed day for the contravention of a provision of any law for the time being in force shall be enforceable against the Central Government or where the undertakings of such company are directed under section 6, to vest in the Jute Manufacturers Corporation, against that Corporation.

6. Power of Central Government to direct vesting of the undertakings of the jute companies in Jute Manufacturers Corporation.—(1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall, as soon as may be, after the appointed day, direct, by notification, that the undertakings of every jute company and the right, title and interest of every jute company in relation to its undertakings, which have vested in that Government under section 3, and such of the liabilities of every jute company as are specified in sub-section (2) of section 5, shall, instead of continuing to vest in the Central Government, vest in the Jute Manufacturers Corporation either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest, and the liabilities referred to in sub-section (2) of section 5, of the jute companies in relation to their respective undertakings vest, under sub-section (1), in the Jute Manufacturers Corporation, that Corporation shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of the Jute Manufacturers Corporation.

CHAPTER III

PAYMENT OF AMOUNTS

7. Payment of amount.—Every jute company shall be given by the Central Government, for the transfer to, and vesting in that Government under section 3 of the undertakings of that company and the right, title and interest of that company in relation to its undertakings, in cash and in the manner specified in Chapter VI, such amount as is specified against the name of that company in the First Schedule.

8. Payment of further amount.—(1) Every jute company shall be given by the Central Government, for the deprivation of the management of its undertakings, an

amount of rupees ten thousand per annum for the period commencing on the date on which the management of the undertakings of that company was taken over in pursuance of the order made by the Central Government under the provisions of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and ending on the appointed day.

(2) Every amount specified in the First Schedule or calculated in accordance with the provisions of sub-section (1) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending on the date on which the payment of such amount is made by the Central Government to the Commissioner.

(3) The amounts determined in relation to any jute company in accordance with the provisions of sub-sections (1) and (2) shall be given by the Central Government to the jute company in addition to the amount specified in the First Schedule against that company.

CHAPTER IV

MANAGEMENT, ETC., OF THE UNDERTAKINGS OF THE JUTE COMPANIES

9. Management, etc. of the undertakings of the jute companies.—The general superintendence, direction, control and management of the affairs and business of the undertakings owned by each of the jute companies, the right, title and interest in relation to which have vested in the Central Government under section 3, shall, where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Jute Manufacturers Corporation and thereupon the Jute Manufacturers Corporation shall be entitled to exercise, to the exclusion of all other persons, all such powers and do all such things in relation to each such undertakings as the jute company which owned it was authorised to exercise and do immediately before the appointed day.

10. Duty of persons in charge of management of the undertakings to deliver all assets, etc.—(1) On the vesting of the management of the undertakings of the jute companies in the Central Government or the Jute Manufacturers Corporation, as the case may be, the persons in charge of the management of such undertakings immediately before such vesting shall be bound to deliver to the Central Government or the Jute Manufacturers Corporation, as the case may be, all assets, books of account, registers and all other documents in their custody relating to such undertakings.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Jute Manufacturers Corporation and the said Corporation may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the jute companies shall be conducted or in relation to any other matter arising in the course of such management.

11. Duty of persons to account for assets, etc., in their possession.—(1) Any person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to any undertaking owned by a jute company which has vested in the Central Government or the Jute Manufacturers Corporation under this Act, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Jute Manufacturers Corporation and shall deliver them up to the Central Government or the Jute Manufacturers Corporation or to such person or persons as the Central Government or the Jute Manufacturers Corporation may specify in this behalf.

(2) The Central Government or the Jute Manufacturers Corporation may take or cause to be taken all necessary steps for securing possession of the undertakings of the jute companies which have vested in the Central

Government or the Jute Manufactures Corporation under this Act.

(3) Every jute company shall within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its property and assets, as on the appointed day, pertaining to its undertakings which have vested in the Central Government under section 3, and for this purpose, the Central Government or the Jute Manufactures Corporation shall afford to such company all reasonable facilities.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF THE JUTE COMPANIES

12. *Continuance of employees.*—(1) Every person who has been, immediately before the appointed day, employed in any undertaking of any of the jute companies shall become,—

- (a) on and from the appointed day, an employee of the Central Government, and
- (b) where the undertakings of the jute companies are vested in the Jute Manufactures Corporation, an employee of the said Corporation, on and from the date of such vesting,

and shall hold office or service under the Central Government or the Jute Manufactures Corporation, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Jute Manufactures Corporation, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Jute Manufactures Corporation, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking of the jute companies, to the Central Government or the Jute Manufactures Corporation, shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

13. *Provident fund and other funds.*—(1) Where a jute company has established a provident fund, superannuation fund, welfare fund or other funds for the benefit of persons employed in any of the undertakings owned by it, the monies relatable to its employees whose services have become transferred by or under this Act to the Central Government or the Jute Manufactures Corporation shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other funds, stand transferred to, and vest in, the Central Government or the Jute Manufactures Corporation, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Jute Manufactures Corporation, as the case may be, shall be dealt with by that Government or Corporation in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

14. *Appointment of Commissioner of Payments.*—(1) The Central Government shall, for the purpose of disbursing the amounts payable under sections 7 and 8 to the jute companies, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and

thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

15. *Payment by the Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay in cash to the Commissioner, for payment to every jute company,—

- (a) an amount equal to the amount specified against the name of that company in the First Schedule;
- (b) a further amount equal to the amount payable to that company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Separate records shall be maintained by the Commissioner in respect of each of the jute companies in relation to which payment has been made to him under this Act.

(4) Interest accruing on the amount in relation to a jute company standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of such jute company.

16. *Certain powers of Central Government or Jute Manufactures Corporation.*—(1) The Central Government or the Jute Manufactures Corporation, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to any jute company in relation to its undertakings which have vested in the Central Government or the Jute Manufactures Corporation, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Jute Manufactures Corporation, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government or Corporation, after the appointed day for discharging any liability of a jute company, not being any liability specified in sub-section (2) of section 5, in relation to any of the undertakings owned by it in respect of any period prior to the appointed day; and every such claim shall have priority, in accordance with the priorities attaching under this Act to the matter in relation to which such liability has been discharged by the Central Government or the Jute Manufactures Corporation.

(3) Save as otherwise provided in this Act, the liabilities of a jute company in relation to any of the undertakings owned by it in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of that company.

17. *Claims to be made to the Commissioner.*—Every person having a claim against a jute company with regard to any of the matters specified in the Second Schedule, pertaining to any undertaking owned by it, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

18. Priority of claims.—The claims made under section 17 shall have priorities in accordance with the following principles, namely:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories shall rank equally and be paid in full, but if the amount paid to the Commissioner under this Act is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;
- (c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

19. Examination of claims.—(1) On receipt of the claims made under section 17, the Commissioner shall arrange the claims in the order of priorities specified in the Second Schedule and examine the same in accordance with such order.

(2) If on an examination of the claims against a jute company, the Commissioner is of the opinion that the amount paid to him under this Act for payment to such company is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine any claim in respect of such lower category.

20. Admission by rejection of claims.—(1) After examining the claims against a jute company, with reference to the priorities set out in the Second Schedule, the Commissioner shall fix a date on or before which every claimant against the company shall file the proof of his claim.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language having circulation in the major part of the country and one issue of any daily newspaper in such regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the jute company concerned an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a Civil Court for the purposes of section 195, and Chapter XXVI, of the Code of Criminal Procedure 1973, (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against such decision to the High Court within the local limits of whose jurisdiction the registered office of the jute company concerned is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall be heard and disposed of by not less than two Judges of that High Court.

21. Disbursement of money by the Commissioner.—After admitting a claim against a jute company under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due and on such payment, the liability of such jute company in respect of such claim shall stand discharged.

22. Disbursement of amounts to the jute companies.—(1) If out of the monies paid to him in relation to a jute company, there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to such jute company.

(2) Where the possession of any machinery, equipment or other property possessed by a jute company has vested in the Central Government or the Jute Manufacturers Corporation under this Act but such machinery, equipment or other property does not belong to such jute company, it shall be lawful for the Central Government or, as the case may be the Jute Manufacturers Corporation, to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by such jute company immediately before the appointed day.

23. Undisbursed or unclaimed amounts to be deposited with the general revenue account.—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim being treated as an order for the refund of revenue.

CHAPTER VII MISCELLANEOUS

24. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

25. Assumption of liability.—(1) Where any liability of a jute company arising out of any item in any category specified in Part I of the Second Schedule is not discharged fully by the Commissioner out of the amounts paid to him under this Act, the Commissioner shall intimate in writing to the Central Government the extent of the liability which remains undischarged and that liability shall be assumed by the Central Government.

(2) The Central Government may, by order, direct the Jute Manufacturers Corporation to take over the liability assumed by the Central Government under subsection (1), and on receipt of such direction, it shall be the duty of the Jute Manufacturers Corporation to discharge such liability.

26. Management to continue to vest in certain persons until alternative arrangements have been made.—Notwithstanding the vesting under this Act of the undertakings of any jute company in the Central Government or the Jute Manufacturers Corporation—

- (a) any person who has been managing the affairs of such undertakings before the date on which the

undertakings had so vested shall, until alternative arrangements have been made by the Central Government, or, as the case may be, the Jute Manufactures Corporation, for the management of such undertakings, continue to manage the affairs of the undertakings, as if such person had been authorised by the Central Government, or, as the case may be, the Jute Manufactures Corporation, to manage such undertakings;

(b) such person shall, until alternative arrangements have been made by the Central Government, or, as the case may be, the Jute Manufactures Corporation, continue to be authorised to operate, in relation to the undertakings of such jute company, any account of such undertakings in any bank, as if he had been authorised by the Central Government or the Jute Manufactures Corporation to operate such account.

27. Contracts to cease to have effect unless ratified by the Central Government or Jute Manufactures Corporation.—Every contract entered into by any jute company in relation to any of the undertakings owned by it, which has vested in the Central Government under section 3, for any service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified in writing by the Central Government or the Jute Manufactures Corporation, and in ratifying such contract, the Central Government or the Jute Manufactures Corporation may make such alterations or modifications therein as it may think fit:

Provided that the Central Government or the Jute Manufactures Corporation shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

- (a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or the Jute Manufactures Corporation; and
- (b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

28. Penalties.—Any person who,—

- (a) having in his possession, custody or control any property forming part of the undertakings owned by any jute company, wrongfully withholds such property from the Central Government or the Jute Manufactures Corporation; or
- (b) wrongfully obtains possession of, or retains any property forming part of, the undertakings owned by any jute company; or
- (c) wilfully withholds or fails to furnish to the Central Government or the Jute Manufactures Corporation or any person or body of persons specified by that Government or Corporation, as the case may be, any document or inventory relating to the undertakings owned by any jute company, which may be in his possession, custody or control; or
- (d) fails to deliver to the Central Government or the Jute Manufactures Corporation or any person or body or persons specified by that Government or Corporation, any assets, books of account, registers or other documents in his possession, custody or control relating to the undertakings owned by any jute company; or
- (e) wrongfully removes or destroys any property forming part of the undertakings owned by any jute company or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate.

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.

29. Offences by companies.—(1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

30. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Jute Manufactures Corporation or other person authorised by that Government or Corporation for any thing which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Jute Manufactures Corporation or any officer or other person authorised by that Corporation for any damage caused or likely to be caused for anything which is in good faith done or intended to be done under this Act.

31. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and sections 32 and 33, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

32. Power to make rules.—(1) The Central Government, may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the manner in which the monies in any provident fund or other fund, referred to in sub-section (2) of section 13, shall be dealt with;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following

the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

33. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

THE FIRST SCHEDULE

[See sections 2 (c), 7, 8, 15 (1) (a)]

Sl. No.	Name of the jute company	Amount (Rupees in Lakhs)
1.	Alexandra Jute Mills Limited, Chartered Bank Buildings, 4, Netaji Subhas Road, Calcutta-700001.	353.60
2.	Union Jute Company Limited, Chartered Bank Buildings, 4, Netaji Subhas Road, Calcutta-700001.	461.32
3.	Khardah Company Limited, 7, Red Cross Place, Calcutta-700001.	486.68
4.	The Kinnison Jute Mills Company Limited, Chartered Bank Building 4, Netaji Subhas Road, Calcutta-700001.	644.70
5.	R.B.H.M. Jute Mills Private Limited, P.O. Katihar Mills, Katihar (Bihar).	17.04
Total		1963.34

THE SECOND SCHEDULE

[See sections 17, 19 (1), 20 (1), 22 (1) and 25 (1)]

ORDER OF PRIORITIES

PART I

Category I—

Employees' dues on account of unpaid salaries, wages, provident fund, Employees' State Insurance contribution or premium relating to the Life Insurance Corporation of India and any other amount due to employees in respect of any period whether before or after the management of the undertakings of any jute company had been taken over by the Central Government.

Category II—

Secured loans obtained by any jute company from nationalised banks and public financial institutions during any period whether before or after the management of the undertakings of that company had been taken over by the Central Government.

Category III—

Any credit availed of for trade or manufacturing purpose during the post take-over management period.

PART II

Category IV—

Revenue, taxes, cesses, rates or other dues to the Central Government, State Governments and local authorities or State Electricity Board for any period whether before or after the management of the undertakings of any jute company had been taken over by the Central Government.

Category V—

Any credit availed of for trade or manufacturing purpose during the pre-take-over management period.

Assented to on 27-12-1980

THE BIRD AND COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS AND OTHER PROPERTIES) ACT, 1980

(ACT NO. 67 OF 1980)

AN

ACT

to provide for the acquisition and transfer of the undertakings of the Bird and Company Limited for the purpose of ensuring the continuity of production of goods which are vital to the needs of the country and for the acquisition of shares held by the Bird and Company Limited in the specified companies for the purpose of securing to those undertakings the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of those undertakings and also to enable the Central Government to exercise such control over the affairs of the specified companies as is necessary to ensure that the affairs of those companies are not mismanaged and for matters connected therewith or incidental thereto.

WHEREAS the Bird and Company Limited were engaged in the manufacture of E.O.T. cranes and other varieties of cranes; polystyrene based cation exchange resin, equipment for fertilizers, oil refineries, steel plants, petro-chemical and other industries; tanks and vessels of various shapes and sizes; water treatment equipment and other types of equipment for the control of water pollution and were also engaged in various other activities;

AND WHEREAS the top management of the Bird and Company Limited had so mismanaged the affairs of that Company as to cause heavy losses to the Company and had also managed the affairs of the Company in a manner prejudicial to the interests of the Company and the public interest;

AND WHEREAS in view of the mismanagement aforesaid, the Central Government had, in pursuance of the provisions of section 408 of the Companies Act, 1956, (1 of 1956) appointed six directors on the Board in the Directors of the Bird and Company Limited;

AND WHEREAS investment of a large amount is necessary for the maintenance and development of the production of the undertakings of the Company;

AND WHEREAS it is necessary in the public interest to acquire the undertakings of the Bird and Company Limited to enable the Central Government to have such investment made and to ensure that the interests of the general public are served by the continuance, by the undertakings of the Company, of the manufacture, production and distribution of goods or articles which are essential to the needs of the economy of the country;

AND WHEREAS the Bird and Company Limited is holding shares in the specified companies which are either engaged in the production, distribution or marketing of goods which are vital to the needs of the country or are engaged in providing finance to other companies which are so engaged and it is expedient in the public interest to acquire the said shares to secure for the undertakings of the Company the facilities and advantages derived by reason of such shareholding with respect to the operation and functioning of such undertakings and also to enable the Central Government to exercise, through such shareholdings, such control on the affairs of those companies as may be necessary to prevent their mismanagement;

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Bird and Company Limited

(Acquisition and Transfer of Undertakings and Other Properties) Act, 1980.

(2) It shall be deemed to have come into force on the 25th day of October, 1980.

2. *Definition.*—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the 25th day of October, 1980;
- (b) "Commissioner" means the Commissioner of payments appointed under section 13;
- (c) "Company" means the Bird and Company Limited, being a Company as defined in the Companies Act, 1956 (I of 1956), and having its registered office at Chartered Bank Buildings, Calcutta-700001, in the State of West Bengal;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "share" means a share, whether equity or preference, held by the Company in the capital of a specified company and includes any such share pledged by the Company with any bank or any other creditor;
- (g) "specified company" means company specified in Schedule I;
- (h) "specified date" means such date as the Central Government may, for the purposes of any provision of this Act, by notification, specify, and different dates may be specified for different provisions of this Ordinance;
- (i) words and expressions used herein and not defined but defined in the Companies Act, 1956 (I of 1956), shall have the meanings, respectively, assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF THE UNDERTAKINGS OF THE COMPANY AND OF SHARES HELD BY THE COMPANY IN THE SPECIFIED COMPANIES

3. *Transfer to, and vesting in Central Government of the undertakings of the Company.*—On the appointed day, the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

4. *Transfer and vesting of shares held by the Company in the specified companies.*—(1) On the appointed day, all the shares held by the Company in the specified Companies shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

(2) The Central Government shall be deemed, on and from the appointed day, to have been registered in the Register of Members of the concerned specified company as the holder of each share which stands transferred to, and vested in, it by virtue of the provisions of sub-section (3).

(3) For the removal of doubts, it is hereby declared that the provisions of sub-sections (1) and (2) shall not be deemed to affect,—

- (a) any right of a specified company subsisting, immediately before the appointed day, against the Company to recover from it any sum of money on the ground that the Company has not paid or credited to the specified company the whole or any part of the value of the shares held by it, or on any other ground whatsoever; or
- (b) any right of a specified company subsisting, immediately before the appointed day, against the Company to receive any payments due from the Company.

5. *General effect of vestings.*—(1) The undertakings of the Company shall be deemed to include all assets, rights, leases, powers, authorities and privileges, and all property, movable and immovable, including

lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash on hand, reserve funds, investments, book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the Company, whether within or outside India, and all books of account registers and other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government, whether under section 3 or section 4, shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them, and any attachment, injunction, decree or order of any court or other authority restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property, shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to, any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government.

(5) Any licence or other instrument granted to the Company in relation to any undertaking which has vested in the Central Government under section 3, at any time before the appointed day and in force immediately before that day, shall continue to be in force on and after such day in accordance with its tenor in relation to, and for the purposes of, such undertaking and on and from the date of vesting of such undertaking under section 7, in a Government company, that Government company shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to such Government Company and such Government Company shall hold it for the remainder of the period for which that company would have held it under the terms thereof.

(6) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to any property which has vested in the Central Government, whether under section 3 or under section 4, instituted or preferred by or against the Company is pending, the same shall not abate, be discontinued or be, in any way prejudicially affected by reason of the transfer of the undertakings of the Company or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Company are directed under section 7, to vest in a Government company, by or against such company.

6. *Central Government or the Government company not to be liable for prior liabilities.*—(1) Every liability of the Company in respect of any period prior to the appointed day, shall be the liability of the Company and shall be enforceable against it and not against the Central Government, or, where the undertakings of the Company are directed, under section 7, to vest in a Government company, against such company.

(2) For the removal of doubts, it is hereby declared that—

(a) save as otherwise expressly provided in this Act, no liability of the Company in relation to its undertakings, or in relation to any share held

by it in a specified company, in respect of any period prior to the appointed day, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 7 to vest in a Government company, against such company:

- (b) no award, decree or order of any court, tribunal or other authority in relation to the undertakings of the Company or in relation to any share held by the Company in a specified company passed after the appointed day, in respect of any matter, claim or dispute which arose before that day, shall be enforceable against the Central Government, or where the undertakings of the Company are directed under section 7 to vest in a Government company, against such company;
- (c) no liability incurred by the Company before the appointed day, for the contravention of any provision of law for the time being in force, shall be enforceable against the Central Government, or, where the undertakings of the Company are directed under section 7, to vest in a Government company, against such company.

7. Power of Central Government to direct vesting of the undertakings of the Company in a Government company.—(1) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company is willing to comply with such terms and conditions as that Government may think fit to impose, direct, by notification, that the undertakings of the company and the right, title and interest of the Company in relation to its undertakings which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the publication of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest of the Company in relation to its undertakings, vest under sub-section (1), in a Government company that Government company shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings, and all the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become the rights and liabilities, respectively, of that Government company.

CHAPTER III

PAYMENT OF AMOUNTS

8. Payment of amounts to the Company and specified companies.—(1) For the transfer to, and vesting in, the Central Government, under section 3, of the undertakings of the Company and the right, title and interest of the Company in relation to its undertakings there shall be paid by the Central Government to the Company in cash and in the manner specified in Chapter VI, an aggregate amount of rupees two hundred and eighty-three lakhs.

(2) For the transfer to, and vesting in, the Central Government, under section 4, of the shares held by the Company in the specified companies, there shall be paid by the Central Government to the Company in cash and in the manner specified in Chapter VI, an aggregate amount of rupees twenty-seven lakhs.

(3) The amount specified in sub-section (1) and the amount specified in sub-section (2) shall carry simple interest of four per cent. per annum for the period commencing on the appointed day and ending on the date on which payment of such amount is made by the Central Government to the Commissioner.

(4) For the removal of doubts, it is hereby declared that the liabilities of the Company, in relation to its undertakings, shall be met, in accordance with the rights and interests of the creditors of the Company, from

the amounts due to the Company under sub-section (1) and sub-section (2).

CHAPTER IV

MANAGEMENT, ETC. OF THE UNDERTAKINGS OF THE COMPANY

9. Management, etc. of the undertakings of the Company.—(1) The general superintendence, direction, control and management of the affairs and business of the undertakings of the Company, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

- (a) where a direction has been made by the Central Government under sub-section (1) of section 7, vest, on and from the date specified in such direction, in the Government company specified therein;
- (b) where no such direction has been made by the Central Government, vest, on and from the appointed day, in one or more Custodians appointed by the Central Government under sub-section (2),

and thereupon the Government company so specified or the Custodian or Custodians so appointed, as the case may be, shall be entitled to exercise to the exclusion of all other persons, all such powers and do all such things as the Company is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint an individual or a Government company as the Custodian of the undertakings of the Company in relation to which no direction has been made by it under sub-section (1) of section 7.

(3) The Custodian shall receive from the funds of the undertakings of the Company such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

10. Duty of persons in charge of management of the undertakings of the Company to deliver all assets, etc.—(1) On the vesting of the management of the undertakings of the Company in a Government company or on the appointment of a Custodian, all persons in charge of the management of the undertakings of the Company immediately before such vesting or appointment, shall be bound to deliver to such Government company or Custodian, as the case may be, all assets, book of account, registers or other documents in their custody relating to the undertakings of the Company.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Government company or the Custodian as to the powers and duties of such Government company or Custodian and such Government company or Custodian may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings of the Company shall be conducted or in relation to any other matter arising in the course of such management.

(3) The Custodian shall maintain an account of the undertakings of the Company in such form and manner and under such conditions as may be prescribed and the provisions of the Companies Act, 1956 (1 of 1956), shall apply to the audit of the account so maintained as they apply to the audit of the accounts of a company.

CHAPTER V

PROVISION RELATING TO EMPLOYEES OF THE COMPANY

11. Continuance of employees.—(1) Every employee of the Company, employed in connection with any undertaking owned by it, shall, on and from the appointed day, become an employee of the Central Government, and where such undertakings is vested in a Government company under this Act, become, on and from the date of such vesting in such Government company, an

employee thereof and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in any undertaking owned by the Company to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

12. Provident fund and other funds.—(1) Where the Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of the person employed in any of the undertakings of the Company, the monies relatable to the employee, whose services have become transferred by or under this Act, to the Central Government or the Government company, shall, out of the monies standing, on the appointed day, to the credit of such provident, superannuation, welfare or other fund, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

13. Appointment of Commissioner of Payments.—(1) The Central Government shall, for the purpose of disbursing the amounts payable to the Company under section 8, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

14. Payment by the Central Government to the Commissioner.—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to the Company the amounts specified in section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner, in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Records shall be maintained by the Commissioner in respect of the undertakings of the Company and the shares held by it in the specified companies, in relation to which payment has been made to him under this Act.

(4) The interest accruing on the amount standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of the Company.

15. Certain powers of the Central Government or Government company.—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to the Company, or the Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by it after the appointed day for discharging any liability of the Company in relation to any period prior to the appointed day; and every such claim shall have priority in accordance with the priorities attaching, under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of the Company in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of the Company.

16. Claims to be made to the Commissioner.—Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days and not thereafter.

17. Priority of claims.—The claims arising out of the matters specified in Schedule II shall have priorities in accordance with the following principles, namely:—

- (a) Category I shall have precedence over all other categories and Category II shall have precedence over Category III, and so on;
- (b) the claims specified in each of the categories, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportions and be paid accordingly;
- (c) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

18. Examination of claims.—(1) On receipt of the claims made under section 16, the Commissioner shall arrange the claims in the order of priorities specified in Schedule II and examine the same in accordance with such order of priorities.

(2) If, on an examination of the claims, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claims in respect of such lower category.

19. Admission or rejection of claims.—(1) After examining the claims with reference to the priorities set out in Schedule II, the Commissioner shall fix a certain date on or before which every claimant shall file the proof of his claim or be excluded from the benefit of the disbursements made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of any daily newspaper in the English language and in one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the time specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the time specified by the Commissioner shall be excluded from the disbursements made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving the Company an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, by order in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sittings and shall, for the purpose of making an investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant, who is dissatisfied with the decision of the Commissioner, may prefer an appeal against the decision to the principal civil court of original jurisdiction within the local limits of whose jurisdiction the registered office of the Company is situated:

Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court at Calcutta, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

20. Disbursement of money by the Commissioner to claimants.—After admitting a claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner to the person or persons to whom such amount is due, and, on such payment, the liability of the Company in respect of such claim shall stand discharged.

21. Disbursement of amounts to the Company and possession of certain machinery, equipment, etc.—(1) If, out of the monies paid to him in relation to the undertakings of the Company, there is a balance left after meeting the liabilities as specified in Schedule II, the Commissioner shall disburse such balance to the Company.

(2) Where any machinery, equipment or other property, has vested, under this Act, in the Central Government or the Government company, as the case may be, but such machinery, equipment or other property does not belong to the Company, it shall be lawful for the Central Government or the Government company, as the case may be, to continue to possess such machinery, equipment and other property on the same terms and conditions under which they were possessed by the Company immediately before the appointed day.

22. Undisbursed or unclaimed amount to be deposited to the general revenue account.—Any money paid to the Commissioner which remains undisbursed or unclaimed on the date immediately preceding the date on which the office of the Commissioner is finally wound up, shall be transferred by the Commissioner, before his office is finally wound up, to the general revenue account of the Central Government; but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, and the order, if any, for payment of the claim, being treated as an order for the refund of revenue.

CHAPTER VII

MISCELLANEOUS

23. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

24. Contracts to cease to have effect unless ratified by the Central Government or Government company.—Every contract entered into by the Company in relation to the undertakings owned by it, which has vested in the Central Government under section 3, for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of a period of one hundred and eighty days from the appointed day, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government or Government company, in which such undertakings have been vested under this Act, and in ratifying such contract, the Central Government or Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract—

- (a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or such Government company; and
- (b) except after giving to the parties to the contract a reasonable opportunity of being heard and except after recording, in writing, its reasons for refusal to ratify the contract or for making any alteration or modification therein.

25. Penalties.—Any person who—

- (a) having in his possession, custody or control any property forming part of any undertaking of the Company, or any share held by the Company in any specified company, wrongfully withholds such property or share from the Central Government or Government company; or
- (b) wrongfully obtains possession of, or retains any property forming part of any undertaking of the Company or wilfully withholds or fails to furnish to the Central Government or Government company or any person specified by that Government or Government company, any document relating to such undertaking or share which may be in his possession, custody or control or fails to deliver to the Central Government or Government company or any person specified by that Government or Government company, any assets, books of account, registers or other documents in his possession, custody or control, relating to the undertakings of the Company or any share held by the Company in any specified company; or
- (c) wrongfully recovers or destroys any property forming part of any undertaking of the Company or prefers any claim under this Act which he knows or has reasonable cause to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

26. Offences by companies.—(1) Where an offence punishable under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals;
- (b) "director", in relation to a firm, means a partner in the firm.

27. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Custodian of the undertakings of the Company, or the Government company or any officer or other person authorised by that Government or Government company for anything which is in good faith done or intended to be done under this Act.

28. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by this section and section 29 and section 30, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

29. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation shall be given to the Commissioner under sub-section (3) of section 5;
- (b) the form and the manner in which, and the conditions under which, accounts shall be maintained by the Custodian as required by sub-section (3) of section 10;
- (c) the manner in which the monies in any provident fund or other fund referred to in section 12 shall be dealt with;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and

if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

30. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

31. Repeal and saving.—(1) The Bird and Company Limited (Acquisition and Transfer of Undertakings and Other Properties) Ordinance, 1980 (18 of 1980), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

SCHEDULE I

[See section 2 (g)]

1. Bisra Stone Lime Company Limited	Having Registered Office at Chartered Bank Buildings, Calcutta- 700001.
2. Burrakur Coal Company Limited	
3. Birds Trading and Investments Company Limited	
4. Eastern Investments Limited	
5. Garuda Investments Limited	
6. Karanpura Development Company Limited (including Funders' Shares)	
7. Kinnison Jute Mills Company Limited	
8. Kumardhubi Fireclay and Silica Works Limited	
9. Lawrence Investments and Property Company Limited	
10. Ondal Investments Company Limited	
11. Orissa Minerals Development Company Limited	
12. Sendra Investments Company Limited	
13. Birds Employees' Co-operative Society Limited	
14. Becker Gray and Company (1930) Limited	
15. Karanpura Collieries Limited—Preference Shares, having registered office at 11, British Indian Street, Calcutta-700069.	
16. Calcium Carbide and Chemical Ltd., having registered office at 161/1, Mahatma Gandhi Road, Calcutta-700007 (Partly paid).	
17. Holman-Climax (Rock Drills) Limited	Having Registered Office at Dolphin Court, 7-A, Middleton Street, Calcutta- 700016.
18. Holman-Climax Manufacturing Limited	
19. Patya Tea Company Limited, having registered office at 12, Dilkusha Street, Calcutta-700017.	
20. The Titaghur Paper Mills Company Limited, having registered office at 95, Park Street, Calcutta-700016.	
21. Sonakunda Baling Company Limited, having registered office in Bangla Desh.	

SCHEDULE II

(See sections 17, 18, 19 and 21)

ORDER OF PRIORITIES FOR THE DISCHARGE OF LIABILITIES OF THE COMPANY

Category I—

- (a) Wages, salaries and other dues payable to the employees of the Company.
- (b) Arrears in relation to contributions to be made by the Company to the Provident Fund, Employees State Insurance Fund, Life Insurance Corporation premium and any other arrear under any law for the time being in force (excluding gratuity).

Category II—

Principal amount of secured loans advanced by—

- (i) Central Government;
- (ii) State Government;
- (iii) Banks;
- (iv) Public financial institutions.

Category III—

Principal amount of unsecured loans advanced by—

- (i) Central Government;
- (ii) State Government;
- (iii) Banks;
- (iv) Public financial institutions.

Category IV—

- (a) Any credit availed of by the Company for the purpose of carrying on any trading or manufacturing operations.
- (b) Any dues payable to the State Electricity Boards or other Government or semi-Government institutions for supply of goods or services.
- (c) Arrears of interest on loans and advances.

Category V—

- (a) Revenue, taxes, cesses, rates or other dues to Central Government, State Government and local authorities.
- (b) Any other loans or dues.

Assented to on 27-12-1980.

THE TEA (AMENDMENT ACT, 1980

(ACT NO. 68 OF 1980)

AN

ACT

further to amend the Tea Act, 1953.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Tea (Amendment) Act, 1980.

(2) This section and section 8 shall come into force at once.

(3) Sections 3 and 4 shall be deemed to have come into force on and with effect from the date of commencement of the Tea (Amendment) Act, 1976 (75 of 1976).

(4) Section 7 shall be deemed to have come into force on and with effect from the 13th day of October, 1980.

(5) Sections 2, 5 and 6 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 10.*—In the Tea Act, 1953 (29 of 1953) (hereinafter referred to as the principal Act), in section 10, in sub-section (2), after clause (j), the following clause shall be inserted, namely:—

(jj) subscribing to the share capital of, or entering into any agreement or other arrangement (whether by way of partnership, joint venture or in any other manner) with, any body corporate for the

purpose of promoting the development of tea industry or for promotion and marketing of tea, in India or elsewhere;".

3. *Amendment of section 16E.*—In the principal Act, in section 16E, in sub-section (1),—

- (a) in clause (a), between the words "by reckless investments or" and "creation of incumbrances" the word "by" shall be inserted;
- (b) the following *Explanation* shall be inserted at the end, namely:—

'Explanation.—For the purposes of this sub-section, "incumbrances" includes any liability which may be recovered or satisfied from the assets of the tea undertaking or, as the case may be, tea unit or the person owning the tea undertaking or tea unit.'

4. *Insertion of new section 16LL.*—After section 16L of the principal Act, the following section shall be inserted, namely:—

"16LL. Debts incurred and investments made by the authorised person to have priority.—Every debt arising out of any loan or any other financial accommodation obtained by the authorised person for carrying on the management of, or exercising functions of control in relation to, the whole or any part of a tea undertaking or tea unit, the management of which has been taken over or is purported to have been taken over under section 16D or section 16E or section 16-I.—

- (a) shall have priority over all other debts, whether secured or unsecured, incurred before the management of such tea undertaking or tea unit was taken over;
- (b) shall be a preferential debt within the meaning of section 530 of the Companies Act, 1956 (1 of 1956).

and all such debts shall rank equally among themselves and be paid in full out of the assets of the tea undertaking or tea unit, unless such assets are insufficient to meet them, in which case they shall be recoverable from the owner of the tea undertaking or tea unit as arrears of land revenue notwithstanding that the period of management or control has ended due to expiry of the period for which it was taken over or due to cancellation of the order under section 16H or in pursuance of the order of any court."

5. *Amendment of section 27.*—In section 27 of the principal Act, in sub-section (1), clause (aa) shall be relettered as clause (ab) and before that clause as so relettered, the following clause shall be inserted, namely:—

"(aa) any sum of money including dividend, if any, realised by the Board in carrying out any measure referred to in clause (jj) of sub-section (2) of section 10;".

6. *Amendment of section 46.*—Section 46 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so re-numbered, for the words "the rules" the words "any rule or order" shall be substituted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder."

7. *Validation.*—Notwithstanding any judgment, decree or order of any court, any action or thing (including any order passed or proceeding initiated) taken or done or purported to have been taken or done under sub-section (1) of section 16E of the principal Act at any time after the commencement of the Tea (Amendment) Act, 1976, (75 of 1976), shall be deemed to be as valid and effective as if the amendments made by section 3 had been in force at the time such action or thing was taken or done.

8. *Repeal and saving.*—(1) The Tea (Amendment) Ordinance, 1980 (18 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or

any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) को वंप्रानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शन्य

अनुपूरक

शन्य

PART III

सहकारिता विभाग

अधिसूचना

जिमला-171002, 6 फरवरी, 1981

संझ्या कोप-ई (II)-21/74-III.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश महाराजा अधिनियम, 1968 की धारा 109 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश सहकारी नियम, 1971 में निम्न मंजोधन प्रस्तावित करते हैं, जिन्हे सभी सम्बन्धित व्यक्तियों की मुम्चना हेतु सहर्व प्रकाशित करते हैं। आपत्तियां तथा मुकावा इस अधिसूचना के हिमाचल प्रदेश राजपत्र में प्रकाशित होने के 30 दिन के भीतर सचिव (सहकारिता), हिमाचल प्रदेश सरकार, जिमला-171002 को भेजी जा सकती है। सचिव (सहकारिता), हिमाचल प्रदेश सरकार, आपत्तियां तथा मुकावा, यदि कोई उपरोक्त अवधि में प्राप्त हो, पर विचार करने के पश्चात् इन नियमों को अन्तिम रूप से प्रकाशित करें।

एस ० एम ० कंवर,
सचिव।

THE HIMACHAL PRADESH CO-OPERATIVE SOCIETIES (AMENDMENT) RULES, 1980

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Co-operative Societies (Amendment) Rules, 1980.

(2) These shall come into force at once.

2. *Amendment of Rule 8.*—In sub-rule (1) (b) of rule 8 of the Himachal Pradesh Co-operative Societies Rules, 1971 (hereinafter referred to as the said Rules), the words "half an hour" appearing between the words "within" and "of" shall be substituted by the words "one hour".

3. *Amendment of rule 13.*—(i) In rule 13(1) of the said rules the sign ";" shall be inserted after the word "Society" but before the word "which"; and

(ii) the sign ";" appearing between the words "Society" and "or of" shall be deleted.

4. *Amendment to Rule 18.*—The sign ":" at the end of the proviso to rule 18 of the said rules shall be substituted by the sign ":" and thereafter the following shall be added as second proviso namely:

"Provided further that the member affected shall be given an opportunity of being heard before the reduction of the value of the share as contemplated in the first proviso is made."

5. *Amendment to rule 20(4).*—In sub-rule (4) of rule 20 of the said rules, the word "persons" appearing between the words and sign 'one' and ',' shall be substituted by the word "person".

6. *Amendment to rule 41(f).*—In clause (f) of rule 41, sub-rule (1) of the said rules, the word 'which' appearing between the words 'concerned' and 'the profits' shall be substituted by the word "with"; and

(ii) In clause (d) of sub-rule (2) of rule 41, the word "employees" appearing between the words "paid" and "of" shall be substituted by the word "employee".

7. *Amendment to rule 74(2).*—In sub-rule (2) of rule 74 of the said rules figure "57" shall be substituted for "53" appearing between the words "section" and "read".

8. *Amendment of Rule 110.*—For the existing rule 110 along with its heading shall be substituted:—

"110. *Liquidator to keep record of depositions whose evidence he takes.*—The Liquidator shall keep record of the depositions of persons whose evidence he takes.

9. *Amendment of rule 118(i).*—In sub-rule (2) of rule 118 of the said rules, the word "sub" shall be added between the words "under" and "rule";

(ii) The end of sub-rule (2) the sign ":" shall be substituted by the sign ";" and the following shall be added as proviso to the said sub-rule:—

"Provided that a precise description of each of the documents, books and records destroyed is maintained on record."

10. *Amendment to rule 126.*—In rule 126 of the said rules the words and sign "as the case may be," shall be inserted between the words and sign "objection," and "and dispense."

11. *Amendment to rule 137(3).*—In sub-rule (3) of the said rules, the word 'if' shall be inserted between the words "effect as" and "it had".

12. *Amendment to rule 138.*—In sub-rule (1) of rule 138 of the said rules the sign ":" at the end be substituted by sign ":" and thereafter the words and sign "as the case may be" shall be added.

13. *Amendment to rule 149.*—For the words "one rupee" appearing between the word "fee of" and "for two hours" the word "two rupees" shall be substituted.

14. *Amendment to Rule 150.*—The words and figures "Re. 0. 25" appearing against item (1) and "Reo.50" against item (2) in rule 150 of the said rules shall be substituted by the words and figures "Reo.50" and "Re.1.00" respectively.

15. *Amendment to Rule 151.*—For the existing rates prescribed for other documents under rule 151 the following shall be substituted:—

"For other Documents. For the first two hundred words Rs. 2.00 For every additional hundred words or fraction thereof Re. 1".

16. *Amendment of rule 4(6).*—Appendix 'A' RULES OF ELECTION TO THE COMMITTEE

In rule 4, sub-rule (6) the word "written" appearing between the words "receipt in" and "from the" shall be substituted by the word "writing".

गिज्ञा विभाग

अधिसूचना

गिमला-2, 31 अनंदगी, 1981

सं 0 ई. डी. एन. (ए) (1)-4-13/77-सैक्ट-एजू-II.—भारतीय विवाद के अनुच्छेद 309 के परन्तुक में प्रदत्त शक्तियों तथा इस सम्बन्ध में अन्य गमी शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश “हिमाचल प्रदेश गिज्ञा वेदा (प्रथम श्रेणी) राजपत्र (कालेज केडर) नियुक्ति तथा पदान्तरि नियम, 1977”, जो अधिसूचना सम स्थाया, दिनांक 4-1-78 द्वारा अधिसूचित किये गए थे तथा अधिसूचना सम स्थाया, दिनांक 13-2-80 द्वारा संशोधित किए गए थे, में निम्नलिखित संजोधन करने का सहर्ष आदेश देते हैं :—

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Education Services (Class-I Gazetted) College Cadre, Recruitment and Promotion (Second Amendment) Rules, 1980.

(b) These rules shall come into force with immediate effect.

2. *Amendment of column 7 Annexure-II.*—Part (a) of column 7 of Annexure II relating to essential qualifications of the Recruitment and Promotion Rules, 1979 will be deleted and in its place the following provision substituted :—

“Consistently good academic record which means that the candidate should have secured an average of at least 50% marks in two examinations preceding Post-Graduate Degree, i.e., Matric or Higher Secondary Part-I/Higher Secondary Part-II (only in case of such candidates where the 10th class examination is not conducted by the School Board of Education) and equivalent Examination and B.A./B.Sc. or equivalent Examination.”

हिमाचल प्रदेश
सरकार।

